

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5035 OF 2015

**JAWAHARLAL NEHRU INSTITUTE OF EDUCATION, NANDED
VERSUS
CITY AND INDUSTRIAL DEVELOPMENT CORPORATION,
AURANGABAD AND OTHERS**

...

Advocate for Petitioners : Salunke V.D.

Adv.Mr.A.S.Bajaj for R.1.

Advocate for Respondents : Kurundkar Sunil V. For R/2

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**CORAM : S.V.GANGAPURWALA &
A.M.BADAR,JJ.**

DATED : 16TH FEBRUARY,2016

PER COURT :-

Mr.V.D.Salunke, learned counsel for petitioner submits that the petitioner had obtained the construction permission and thereafter, completed construction well within period, however, the petitioner failed to apply for completion certificate within stipulated period after completing construction. Even the petitioner had given application to that effect alongwith documents showing that the construction has been completed much earlier. Still the respondent issued notice asking petitioner to pay amount of Rs.17,69,313/- as additional lease premium for obtaining No Objection Certificate for Occupancy Certificate. According to the learned counsel, it is only if the petitioner has failed to make construction within stipulated period then said amount is liable to be paid.

2] Mr.Kurundkar, learned counsel submits that the Occupancy certificate is required to be applied within stipulated period as laid down in the Rules after obtaining completion certificate. In the present case, the land is allotted on 18/3/1993 and the petitioner has given letter on 20/9/2000 admitting that he has not applied for completion certificate earlier within time. According to the learned counsel, no error has been committed.

3] There appears to be some disputed question of fact. The petitioner has already given representation/application to the Administrator in that regard on 21/11/2014 (Exh.M page 42).

4] The Administrator may look into the said matter and take decision on the representation filed by the petitioner (Exh.M page 42) on its own merits in accordance with law expeditiously preferably within six months. Writ Petition is accordingly disposed of. No costs.

(A.M.BADAR,J.)

(S.V.GANGAPURWALA,J.)

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