

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.404/2015

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| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Tushar N. Sonawane for the petitioner  
Mr. Sandesh D. patil i/b. Anusha P. Amin for the Respondent No.4.  
Mr. Yogendra Singh i/b. Auris Legal for respondent Nos.1 and 2.

**CORAM : K. K. TATED, J.**

**DATE : FEBRUARY 22, 2016**

**P.C.:**

1. Heard. By this petition, the petitioner alleges that the respondent failed and neglected to comply with order dated 21/06/2014 passed by the learned Charity Commissioner, Maharashtra State, Mumbai and In-charge Joint Charity Commissioner, Greater Mumbai Region Mumbai in application No.J-4/17/2013 by not providing an alternate accommodation to the petitioner.

2. The learned counsel for the petitioner submits that it is specifically stated in clause 3(d) of the operative part of the order dated 21/06/2014 that, during the process of

redevelopment, the developer shall provide an alternate accommodation to the tenants at its own cost as per existing provisions of law, if necessary. Clause (d) reads thus:

*“3(d) The Developer shall provide permanent accommodation to all the tenants on ownership basis in lieu of their tenancy rights in the new building so constructed and during the process of redevelopment to the tenants at its own cost as per existing provisions of law, if necessary.”*

3. On the other hand, the learned counsel for the respondent Nos.1 and 2 submits that in view of subsequent order dated 19/09/2015 passed by the Charity Commissioner below exhibit 1 in Misc. application No.62/2014, nothing survives in the contempt petition. He further submits that till today the developer has not started development of the suit property.

4. The learned counsel for the petitioner submits that in view of the statement made by the learned counsel for the respondent and the subsequent order dated 19/09/2015 passed below exhibit 1 by the learned Charity Commissioner, the petitioner may be permitted to withdraw the present petition with liberty to file afresh, as and when the development process starts. Liberty granted.

5. Contempt petition stands dismissed as withdrawn with liberty as prayed for.

**JUDGE**