

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2121 OF 2016

Kalpak Property Venture LLP Petitioner.
V/s.
Municipal Corporation of Greater
Mumbai and anr Respondents.

Mr. Nikhil Sakhardande i/by Wadia Ghandy for the Petitioner.
Mrs. Geeta Joglekar, for the Respondent Corporation.

**CORAM : RANJIT MORE AND
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 21st SEPTEMBER, 2016.

P.C. :

1. Mr. Sakhardande, learned counsel appearing for the Petitioner, at the outset submits that there are no tenants in the suit flats and they are occupied by the owners. The condition No.10 of I.O.D. is not applicable in this particular case. He submits that the Corporation, subsequently realized its mistake and has approved grant of revised Commencement Certificate without insisting compliance of condition No.10 of I.O.D.

2. In that view of the matter, the grievance of the Petitioner, at this stage is redressed. Learned counsel for the Petitioner, therefore, seeks leave to withdraw this petition with liberty to file fresh petition in the

event Corporation insists for compliance of condition No.10 of I.O.D, at the time of granting Occupation Certificate. Leave with liberty as prayed for is granted.

3. The petition is disposed of as withdrawn.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]