

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.2112 OF 2015
IN
SUIT NO.6846 OF 1999**

Regency Convention Centre and Hotels Ltd. ... Plaintiff
versus
The Airports Authority of India
and Ors. ... Defendants
and
Mumbai Metro Rail Corporation Limited ... Applicant

Mr. Shreekant V. Mehta i/by M/s. Malvi Ranchoddas and Co., for Applicant.
Mr. Kevic Setalvad, Senior Advocate with Mr. Rakesh L.Singh i/by M/s. M.V.Kini
and Co., for Defendant No.1.
Ms. Kiran Bagalia, for Applicant.
Mr. Sneh Mehta i/by M/s. Wadia Ghandy and Co., for Defendant No.17.

CORAM: S.J. KATHAWALLA, J.

DATE: 4th JULY, 2016

P.C.:

1. The undertaking filed by the Applicant – Mumbai Metro Rail Corporation Ltd., dated 4th July, 2016 is taken on record. In view of the said undertaking, the Notice of Motion is disposed of in terms of prayer clauses (b), (c) and (d) which are reproduced hereunder :

“(b) It be held and declared and clarified that the statement of the counsel of Defendant No.1 recorded in the order dated 2nd May 2001, in Notice of Motion No.277 of 2000 does not prevent the Defendant No.1 from granting right of way and use of 14304 sq.mtrs. of the suit land for construction of Metro Line 3;

- (c) In the alternative, the order dated 2nd May 2001, in Notice of Motion No.1277 of 2000 be reviewed and the Defendant No.1 be directed to process grant of right of way over about 14304 sq. mtrs., of the Suit land for the purposes of Metro Line 3;
- (d) For further direction to Defendant No.1 to permit the Interveners to permanently use approximately 196 sq. mtrs., of suit land for the purpose of Ventilation Shaft and Fire Exit”;

- 2. The Notice of Motion is accordingly disposed of.
 - 3. Defendant No.17 to file Written Statement on or before 18th July, 2016.
- Place the Suit for Admission and Denial of first Defendant documents on 20th July, 2016.

(S.J.KATHAWALLA, J.)