

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

WRIT PETITION NO. 174 OF 2016

Valera Co-operative Housing Soc. Ltd. ..Petitioner

v/s.

The Municipal Corporation of Gr.Mumbai
& Anr. ..Respondents

Mr. Ravi Gadagkar i/b. Ajay Basutkar for the Petitioner.
Mrs. Shobha Ajitkumar for the BMC.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : OCTOBER 21, 2016.**

P.C.

1. Heard learned Counsel for the petitioner and the learned Counsel for the respondent BMC.
2. By this petition filed under Article 226 of the Constitution of India, 1950, the petitioner has challenged the notice under Section 354 of the Maharashtra Municipal Corporation Act. The learned Counsel for the petitioner submits that subsequent to the filing of the petition, the petitioner society has received notice for disconnection of water and electric supply. He submits that the redevelopment

process of the building belonging to the petitioner society has already commenced and it is at advanced stage.

3. On behalf of the BMC affidavit dated 30th June, 2016 is filed by Mr. Sameer Chitnis, Assistant Engineer of BMC. The affidavit discloses that the 354 notice is issued on the basis of the structural audit report prepared by Abhijeet Phatarphekar, structural engineer appointed by the petitioner society, notice of the site inspection carried out on 21.1.2015 and 24.1.2015, report of M/s. Space Design and Development Structural Consultant appointed by the Municipal Corporation. The said report shows that the petitioner society building is severally dilapidated and therefore classified in C-1 category. In such circumstances, we are not inclined to entertain the challenge to the notice under Section 354 of the Maharashtra Municipal Corporation Act.

4. However, by way of indulgence and in view of the statement made by the learned Counsel for the petitioner society that the petitioner members will stay in the subject building at their own risks, in order to enable the petitioner members to make alternate arrangement either themselves or through developer, we are inclined

to give them time to vacate the building till end of 30.11.2016. Accordingly, we direct the Corporation not to act upon the notice for disconnection of water and electric supply till 30.11.2016.

5. Subject to the above, the petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)