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

WRIT PETITION NO. 547 OF 2015

Shree Sai Sahakari Co-operative Soc. Ltd. ..Petitioner

v/s.

Municipal Corporation of Gr. Mumbai
& Ors. ..Respondents

Mr. H. Toor along with Mr. S.B.Pawar a/w. Ms. Swati Sawant i/b. S.K. Legal Associates for the Petitioner.
Mr.A.S.Khandeparkar i/b. Modekar & Company for the Respondent No.5.
Mrs. Geeta Joglekar, AGP for the State.

CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : OCTOBER 10, 2016.

P.C.

1. Mr. Khandeparkar, learned Counsel for the respondent no.5 placed on record affidavit dated 10th October, 2016, affirmed by Mr.Santosh Pandurang Mane, Director of Respondent no.5, wherein he has given the following undertakings:

"(a) to construct the parking Tower/ Facility in accordance with the approved plan.

(b) To construct a temple in accordance with the approved plans subject to the respondent no.1 and the petitioner and all its members extending full co-operation for removal of existing temple by Shri Sainath Mandal.

(c) To construct the connecting corridors between the rehab building and the sale building in accordance with the Development Control Regulations and as per the approved plans.

(d) The 5th respondent submits that they had paid a sum of Rs.30 lakhs by way of pay order in favour of the petitioner drawn on Janata Sahakari Bank Ltd., Pune bearing No.062169 dated 17th December, 2014 into the account of the petitioners towards corpus fund as epr the requirement of the LOI, however the same has not been encashed into the account of the petitioners. The petitioners shall return the said pay order to the 5th respondent to enable them to issue fresh pay order for the aggregate amount of Rs.51,00,000/- and the same will be issued within two weeks after the petitioner handing over to the respondent the original pay

order for the said amount of Rs.30,00,000/-."

2. The affidavit is taken on record and marked "X" for identification. The undertakings therein are accepted.

3. The learned Counsel for the petitioner states that the undertaking given by the respondent no.5 are acceptable to the petitioner. The learned Counsel for the petitioner further states that in the light of the undertaking given by the respondent no.5, his grievance stands redressed.

4. In view of the above, the petition stand disposed of.

(ANUJA PRABHUDESSAI, J.) **(RANJIT MORE, J.)**