

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 7174 OF 2014.

(Tarangan Infraventure Private Limited & another .vs. Nagpur Municipal Corporation & others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.G. Bhangde, Senior Counsel for petitioners,
Mr. J.B. Kasat, Advocate for respondent nos. 1 & 2,
Ms. Ritu Kaliya, A.G.P. for respondent nos. 3 & 4.

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : OCTOBER 25, 2016.

The petitioners have approached this Court praying for a direction to the respondent nos. 1 & 2 to issue Development Right Certificate in favour of the petitioner no.1 as prayed in the application dated 18.7.2012.

The perusal of the impugned order would reveal that the application came to be rejected on the ground of condition No. 5 in the provisional order so also Development Control Regulations which were in force at the relevant time.

The perusal of the affidavit-in-reply filed on behalf of the Corporation itself would reveal that the new Development Control Regulations have been notified on 28.1.2016.

In that view of the matter, we find that it would be appropriate that the respondent Corporation revisits the issue in the light of the Development Control Regulations of 2016.

We, therefore, direct the respondent No.1 Corporation to reconsider the prayer of the petitioner in the light of the new

Development Control Regulations, without being influenced by the order impugned in the present petition. The same shall be done within a period of eight weeks from today.

We make it clear that we have not adverted to the merits of the matter and respondent no.1 would decide the matter on its own merits. We also make it clear that all the contentions available to the parties are kept open to be adjudicated.

The petition stands disposed of with the aforesaid directions.

Judge

Judge

J.