

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3514 OF 2016

Shree Hari Park Co-operative Housing
Society Ltd.,

... Petitioner.

V/s.

1. The Maharashtra Industrial Development Corporation, ... Respondents.
2. The Deputy Engineer (E& T), MIDC (E&T)
3. M/s. Hari Om Builder and Developers
through its 3 partners

Mr. Nitin Gangal, Advocate for the Petitioner.

Mr. Prashant Chavan a/w. Miss Namrata Barot & Miss Chaitali Kandare, i/by Navdeep Vora & Ors. For Respondent No. 1 (MIDC)

Mr. A. P. Ranade, Advocate for Respondent No.3.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE, JJ.**

DATE : 19th JUNE, 2017

P.C. :

1 The Petitioner by this petition prays for following
main reliefs :

- a) Rule be issued and records and proceedings be called
for;

b) This Hon'ble Court be pleased to issue the writ of certiorari or any other appropriate writ in the nature of certiorari or any appropriate direction or appropriate order and be pleased to quash and set aside clause Nos. 3 and 4 of the letter dated 22.07.2014 (Exhibit-H), clause No. 4 of letter dated 26.08.2014 (Exhibit-J) and letter dated 13.01.2016 (Exhibit-K).

c) This Hon'ble Court be pleased to issue the writ of certiorari or any other appropriate writ in the nature of certiorari or any appropriate direction or appropriate order and be pleased to direct the Respondents to accord the transfer of the water meter situated within the premises of the Petitioners Society in favour of the Petitioner without calling upon the Petitioner to submit No Objection Certificate from the said Developer;

2 On a Petition filed by Hari Om Builders and Developers and Others being Writ Petition No. 7708 of 2012, the Division Bench of this Court passed order dated 11.02.2013. Para -5 of the order reads as under :

“5. Though we see no right in favour of the Petitioners, if any similarly placed persons have been provided water supply by the second respondent, it is for the petitioners to make appropriate representation to the

second respondent setting out the details of the water supply granted to the similarly placed persons. If such representation is made, the second respondent shall decide the same expeditiously in accordance with law.”

3 The developer's grievance in the said petition was regarding grant of water supply to the Maharashtra Industrial Development Corporation from Patalganga Water Supply Scheme.

4 Learned counsel appearing for the Respondent No.1-MIDC submits that the Corporation by communications dated 10.09.2013 and 23.09.2013 addressed to the said builder and developer sanctioned the demand of supply of water on certain conditions and on payment of security deposit (refundable), capital contribution (non-refundable), cost of WS agreement form and connection charges. The developer deposited the amount demanded under the said communication for construction of the building (Phase-I & Phase -II). Phase-I consists of 141 flats and Phase-II consists 30 flats. In all 171 members were to be accommodated by the developer. The MIDC released water supply in bulk to 170 to 175 persons.

5 The Petitioner society submits that their society takes care of 141 members. It is submitted that at present 30

members of Phase II are not depositing the proportionate contribution towards the water bill and the members of the petitioner's society have to bear extra burden. Therefore, the petitioners pray for necessary direction to the respondents.

6 Learned counsel appearing for the MIDC submits that under the policy, it would not be in a position to grant second meter for the benefit of 30 members. Learned counsel appearing for the Respondent 3-M/s. Hari Om Builder & Developer undertakes that the Respondent No. 3 would make necessary arrangements so that 30 members would deposit proportionate contribution towards the water tax bills that is being issued in the name of the builder and developers as water connection was granted on the application made by the builder and developer.

7 In fact, all these issues are required to be sorted out internally by the contesting parties. We would expect the parties to make efforts to resolve such disputes in a joint meeting.

8 The builder and developer to take necessary steps in accordance with the statement made, as above.

9 On a statement made by the builder and developer, the Petition is disposed of.

(SMT. BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)