

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 9683 OF 2017

Grenesiss Constro Pvt. Ltd and another

.....Petitioners

V/s.

Pune Municipal Corporation, Pune and another

.....Respondents

Mr. I. M. Khairadi for the petitioner.

Mr. Abhijit Kulkarni for the respondent no. 1.

Mr. Yuvraj Narvankar i/b Mr. Ajay Shah for intervener.

Mr. K. S. Khandeparkar a/w Mr. Parag Vyas for Union of India.

**CORAM : SMT. VASANTI A. NAIK,
RIYAZ I. CHAGLA, JJ.**

DATE : OCTOBER 9, 2017.

P.C.

The only prayer made by the petitioner in the instant petition is for a direction to the respondent no. 2 to decide the proposal of the petitioner for grant of environmental clearance certificate. The petitioner has sought a direction against the respondent, specially the Pune Municipal Corporation, not to initiate any adverse action against the petitioner till the application

made by the petitioners for the grant of environmental clearance certificate is decided.

It is stated on behalf of the petitioner that in pursuance of the building permission granted to the petitioner, the entire construction is made and the occupation certificate for a part of the constructed premises is also granted in favour of the petitioner. It is stated that the application made by the petitioner for grant of environmental clearance certificate is pending before Environmental Clearance Committee. It is stated that till the application of the petitioner for grant of environmental clearance certificate is decided, the Pune Municipal Corporation may not take any coercive steps for the demolition of the building. It is stated that if the application of the petitioner is allowed and the environmental clearance certificate is granted after the building is demolished, grave and irreparable loss would be caused to the petitioner.

Since the application of the petitioner for grant of environmental clearance certificate is pending before the Environmental Clearance

Committee, it would not be proper to permit the Pune Municipal Corporation to take action of demolition of the building, specially when the occupation certificate is also granted for a part of the constructed premises. In the circumstances of the case, the writ petition could be disposed of with a direction against the Pune Municipal Corporation not to take any coercive steps against the petitioner till the application made by the petitioner for grant of environmental clearance certificate is decided by the Committee. To protect the interest of the respondents, it would be necessary to direct the petitioner not to occupy the building premises in pursuance of the grant of occupation certificate and not to create any third party interest, till the application for grant of environmental clearance certificate is decided by the Committee.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The respondent, Pune Municipal Corporation is restrained from taking any coercive steps against the petitioner till the application made by the petitioner for grant of environmental clearance certificate is decided by the Environmental Clearance Committee. The Environmental Clearance

Committee should make an endeavour to decide the application of the petitioner at the earliest. Till the application of the petitioner is decided by the Environmental Clearance Committee, the petitioner should not take steps for the occupation of the building in pursuance of the grant of occupation certificate. So also, the petitioner should not create third party interest in the property till its application is decided by the Environmental Clearance Committee.

With the aforesaid directions and observations the writ petition is disposed with no order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]