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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 11299 OF 2017

Kshitija Infrastructure Pvt. Ltd. ... Petitioner
Vs.
The Maharashtra Housing and Area
Development Authority & Ors. ... Respondents

Mr. Vishal Kanade a/w Prakash Shah i/b PDS Legal, for the Petitioner.
Ms. S. U. Deshmukh, for Respondent Nos. 1 and 2.
Mr. S. B. Kalel, AGP for Respondent No. 3 – State.

CORAM : ANOOP V. MOHTA, &
MANISH PITALE, JJ.

DATE : NOVEMBER 13, 2017

FINAL ORDER :

1. Rule. Rule is made returnable forthwith. By consent of parties, petition is taken up for final hearing.
2. Heard the learned counsel appearing for the parties. The grievances so raised by the Petitioner are required to be reconsidered

by Respondent Nos. 1 and 2 for various grounds mentioned in the petition, so also no objection is required to be issued for rehabilitation of tenants / residents. The building is completed in all respects and awaiting no-objection / O.C. from the Respondents.

3. A statement is made on behalf of the Petitioner that pursuant to impugned order dated 14.8.2017 amount is already paid. However, learned counsel appearing for Respondent Nos. 1 and 2 submits that the balance amount of Rs. 38,67,909.15 Ps. is remained to be paid. Learned counsel appearing for the Petitioner, on instructions, makes a statement that the Petitioner will deposit the amount, without prejudice to its rights and contentions, within ten days to avoid further delay of the rehabilitation process. There is no question of delaying the process as there is no other objection, except the payment issue so raised.

4. Learned counsel for Respondent Nos. 1 and 2, in view of the statement made on behalf of the Petitioner, on instructions, makes a statement that Respondents will hear the Petitioner on all counts and process the application and issue no objection certificate on payment of the above amount within two weeks thereafter. All contentions of

the Petitioner are kept open.

4. It is expected that Respondent Nos. 1 and 2 will hear and dispose of the issues / grievances so raised at the earliest, preferably within two months after hearing the Petitioner. Rule is made absolute in the aforesaid terms with no orders as to costs.

Sd/-
[MANISH PITALE, J.]

Vinayak Halemath

Sd/-
[ANOOP V. MOHTA, J.]