

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2240 OF 2017
WITH
NOTICE OF MOTION NO. 517 OF 2017
IN
WRIT PETITION (L) NO. 2240 OF 2017**

Indrayani Estate Developers Pvt. Ltd. Petitioner

Vs.

Municipal Corporation of Greater Respondents
Mumbai and others

Mr. Rumi Mirza i/b Kaushal Thakker for the petitioner
Mr. P. V. Nichani for respondent nos 8 to 11, 14, 16, 17, 20, 26, 31, 32, 42, 43.
Mr. Waquar Ahmad for respondent nos. 4, 13, 15, 18, 22, 24, 25, 28, 29, 30, 33,
35, 36, 40
Ms. Vandana Mahadik for MCGM.

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

DATE : NOVEMBER 3, 2017.

P.C.

It appears on hearing the learned counsel for the parties and on perusal of the documents annexed to the writ petition that the structural engineers appointed by the tenants and the landlords have submitted conflicting reports. Since it is the case of the Corporation that the building is 'C-1' building and since conflicting reports are submitted by the structural engineers of the petitioner's and the respondents', it would be necessary for the Corporation to refer the matter to the Technical Advisory Committee so that the Committee would prepare a report within a stipulated time pertaining to the condition of the building by following the procedure as directed by this Court in the judgment in

Writ Petition (L) No. 1135 of 2014.

Hence, with the consent of the learned counsel for the parties, we dispose of the writ petition in the following terms :-

- (i) The Corporation would refer the matter to the Technical Advisory Committee and the Technical Advisory Committee should prepare a report after following the directions in the judgment in Writ Petition (L) No. 1135 of 2014, within 3 months.
- (ii) The expenses for conducting the tests should be equally borne by the tenants and the landlords.
- (iii) The expenses should be paid by the tenants and the landlords to the Corporation immediately, on demand.
- (iv) The tenants would reside in the building premises only at their risk and costs and the Corporation or the landlords would not be responsible for any loss or damage caused to the tenants due to fall of the building or its parts.
- (v) No order as to costs.

With the disposal of the writ petition, Notice of Motion No. 517 of 2017 stands disposed of.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]