

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2699 OF 2017**

Garware Capital Markets Ltd and another Petitioners

Vs.

The State of Maharashtra and others Respondents

Mr. Atul Daga, Mr. Kishore Vassonji, Ms. Apeksha M. & Mr. Nikhil i/b Kanga & Co. for the Petitioners

Mr. Aspi Chinoy, senior advocate a/w Mr. Zal Adhyarujina, Mr. M. P. Vora i/b Pramod Kumar and Co. for respondent nos. 6 & 7.

Ms. Pallavi Thaker for MCGM

Mr. K. R. Trivedi AGP for the State.

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

DATE : OCTOBER 12, 2017.

P.C.

Heard.

Though certain other prayers are made in the writ petition, in the last affidavit filed by the petitioners on 11/10/2017, the petitioners have proposed that the respondent nos. 6 & 7 should agree to deploy the secant pile wall method has originally envisaged in the report of March-2017. It is further stated in the affidavit that an independent expert be appointed to ensure that the design of the secant pile wall is appropriate and adequate and the work is actually carried out in accordance with the system. A copy of the diagram/design of the secant pile wall is annexed at annexure '2' to the additional affidavit at page 175. According to the petitioners, the grievance of the petitioners would stand redressed if the respondent nos. 6 & 7 deploy the secant pile wall method as

proposed in the report of March-2017.

Shri. Aspi Chinoy, the learned senior counsel appearing for the respondent nos. 6 & 7, states on instructions from the respondent nos. 6 & 7 that though on the other three sides of the building, contiguous/shore pile wall is deployed, with a view to cut short the litigation, the respondent nos. 6 & 7 agree to deploy the secant pile wall method adjoining the petitioners property. It is fairly stated that after the construction of the secant pile wall is complete, the excavation work would be commenced.

In view of the statements made by the learned senior counsel for the respondent nos. 6 & 7, the grievance of the petitioners stands redressed. If the petitioners desire to appoint any expert to observe that the secant pile wall is duly constructed, the petitioners are free to do so.

We dispose of the writ petition accordingly, with no order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]