

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2907 OF 2016

M/s. Patel Developers .. Petitioner
Vs.
Municipal Corporation of Greater Mumbai .. Respondent

Mr. M. M. Vashi, Sr. Advocate a/w. Ms. Aparna Deokar i/b M. P. Vashi Associates for the Petitioner.

Mr. Joel Carlos a/w. Ms. Vandana Mahadik for the Respondent-MCGM.

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

DATE : 27th NOVEMBER, 2017.

P. C. :

Heard.

It is stated on behalf of the petitioner that though the plans were submitted by the petitioner to the respondent-corporation in pursuance of the order passed by the State Government under Section 47 of the Maharashtra Regional and Town Planning Act, the Building and Proposal Department of the respondent-corporation has not taken any decision on the same. It is stated that the petitioner is ready to submit all the relevant documents that are sought by the respondent-corporation along with the plan that is required to be submitted through the architect and a direction may be issued against the respondent-corporation to take a decision on the application of the petitioner for sanctioning the plans for further development.

It is stated on behalf of the respondent-corporation that the respondent-corporation is desirous of challenging the order of the State Government under Section 47 of the MRTP Act. It is stated that after the State Government passed the order that is sought to be implemented by the petitioner, the petitioner did not tender the proposal along with the necessary documents i.e. CFO NOC, EEBP and NOC for parking. It is

submitted that certain documents are not tendered by the petitioner along with the proposal. It is submitted that the shops constructed by the petitioner are in possession of the respondent-corporation specially the AOST Department of the Corporation and unless that department grants the NOC, the proposal of the petitioner cannot be sanctioned.

Shri Vashi, learned Senior Counsel appearing for the petitioner states that the proposal along with necessary documents are already submitted to the respondent-authority and if any more documents are required, the same would be supplied to the corporation immediately on the request/demand. It is stated that a direction may however be issued against the respondent-corporation to decide the proposal of the corporation at the earliest.

We are not inclined to entertain the submission made on behalf of the respondents that the respondents are desirous of challenging the order passed by the State Government under Section 47 of the MRTP Act. The matter was listed before this Court from time to time after the State Government decided the appeal filed by the petitioner and on several dates of hearing a request for adjournment was made on behalf of the corporation, as the corporation was considering whether the decision of the State Government could be challenged.

Hence, without dealing with the said question, we dispose of the writ petition with the direction against the respondents to decide the proposal of the petitioner as early as possible and positively within 10 weeks. The petitioner undertakes to appear before the Executive Engineer, Building and Proposal, Bandra on 07.12.2017 so that the issuance of notice could be dispensed with. Either on that date or immediately thereafter, the concerned officer should inform the petitioner, if any more documents are required for processing the proposal. Order accordingly. No costs.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]