

Amk

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

WRIT PETITION NO. 1426 OF 2015

Pure Value Infraventure Pvt. Ltd.	.. Petitioner
Vs.	
The State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO. 216 OF 2017**

Shri Denis William D'Souza	.. Petitioner
Vs.	
The Asst. Municipal Commissioner & Ors.	.. Respondents

Mr. Mayur Khandeparkar a/w. Mr. Amrut Joshi, Mr. Varun Shah i/b Varun Shah for the Petitioner in WP 1426/15.
Mr. V. S. Kapse i/b S. G. Walam for the Petitioner in WP 216/17 and for the Respondent No.19 in WP 1426/15.
Mr. D. A. Joseph i/b Mr. Eventa Andrea Gonsalves for the Respondent No.17.
Ms. Sneha Prabhu i/b U. S. Sinha for Respondent No.15E.
Ms. Pallavi Thakar for the MCGM.
Mr. H. S. Venegaonkar, Additional Government Pleader for the State.

CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.
DATE : 8th DECEMBER, 2017.

P. C. :

Heard.

After hearing the learned counsel for the parties for some time and on a perusal of the report of the Technical Advisory Committee, we find that the TAC had not carried out the visual inspection by visiting the site of the building and had also not carried out the specific tests like ultrasonic pulse velocity test, rebound hammer test, half cell potential test, carbonation depth test and other tests that are required to be carried out as per the judgment dated 23.06.2014 in Writ Petition (L) No. 1135 of

2014. In the circumstances of the case, it would be necessary to remand the matter to the TAC for preparing the report after carrying out the visual inspection and the scientific tests that are mentioned in Clause (d) (ii) of the directions in the judgment dated 23.06.2014 in Writ Petition (L) No. 1135 of 2014.

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

- (i) The TAC would prepare a fresh report after carrying out the visual inspection and the specific tests that are required to be carried out as per the directions in the judgment in Writ Petition (L) No. 1135 of 2014 within four months.
- (ii) The expenses for carrying out the specific tests as per the judgment in Writ Petition (L) No. 1135 of 2014 would be borne equally by the landlord on one part and the tenants on the other.
- (iii) The tenants and the occupiers of the building may reside in the same at their risk and costs.
- (iv) No order as to costs.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]