

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 288 OF 2018

Maplle Infraprojects Limited & anr.

...Petitioners

vs.

State of Maharashtra & ors.

...Respondents

Mr. Ranbir Singh a/w. Mr. Hiren G. Shah i/b. Prakash & Co. for the petitioners.

Mr. G.W. Mattos, AGP for State.

Mr. Shankar P. Thorat for respondent Nos. 5 and 6.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATE : APRIL 27, 2018

P.C.:

Parties through their Counsel.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners are seeking direction to respondent No.5 to accept the correct premium at the rate of Rs.40,000/- per square meters for purchase of Fungible FSI and other FSI available on payment of premium in lieu of staircase, lift wells and lobbies for their ongoing project on the said land. According to the petitioners, there is an apparent discrepancy/mistake in including City Survey No. 252 of Village Borivali, Subhash Nagar, Jogeshwari (East), Taluka Andheri, in

Zone 51/245 instead of 51/246 in the Annual Statement of Rates (ASR) issued by the respondents for the year 2017-2018.

3. According to the petitioners, the ASR rates for Zone 51/245 are higher than for Zone 51/246. According to the petitioners, the rate for open land in Zone 51/245 is Rs.44,900/- per sq. mtrs. as against the Ready Reckoner rate for Zone 51/246 is Rs.40,000/- per sq. mtrs.

4. Learned Assistant Government Pleader on instructions has stated that there is discrepancy/mistake which has occurred in the matter. He submits that second respondent has written a letter to the Inspector General of Registration on 28th March, 2018, recommending the issuance of an appropriate corrigendum in order to rectify the discrepancy/mistake as aforesaid. He on instructions submits that the Inspector General of Registration is ceased over the matter and he will decide and issue necessary corrigendum, if required, after examining the matter within a period of six weeks.

5. Having regard to the aforesaid, we dispose of this petition by directing the Inspector General of Registration to decide the issue as has been pointed out by respondent No.2 vide letter dated 28th March, 2018 as expeditiously as possible, but in any

case not later than six weeks from the date of receipt of copy of this order. We also direct that in the meantime, the petitioner shall pay the premium at the rate published for Zone 51/246. Respondent No.5 is directed to accept the said premium subject to outcome of the decision as may be taken by the Inspector General of Registration. In case, any further amount is required to be deposited in terms of the order passed by the Inspector General of Registration, the petitioners shall pay the difference amount within six weeks from the date of such decision.

6. The petitioners undertake to this Court that the difference amount, if any, required to be deposited will be deposited within time.

7. With the aforesaid directions, the petition is disposed of.

8. Parties to act on the basis of authenticated copy of this order.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)