

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 8 OF 2017

Vidyasagar Dube

.. Petitioner

VERSUS

The Commissionner (MCGM) & Ors.

.. Respondents

....

Mr. Anil D'souza for Petitioner.

Mr. Anil Shastri-AGP for State.

Mr. Bhavin Gada I/b M/s. Harakhchand & Co. for Respondent No.6.

Mr. Arsh Mishra a/w Ms. Khushboo Agarwal I/b M.V. Kini & Co. for Respondent No. 5.

Mr. Sagar Patil for MCGM.

....

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 15 JUNE, 2018

P.C. :-

1. Heard learned Counsel for the respective parties. By this Public Interest Litigation, the petitioner is challenging the development permission granted in favour of Respondent No. 6. Challenge is on the ground that Respondent No. 6 has not complied with condition no. 16 of the Development permission.

2. The learned Counsel for the petitioner placed on record the communication dated 11th September, 2017 by Municipal Corporation of Greater Mumbai to Respondent No. 6 along with the possession receipt. The same are taken on record. The said document shows that the condition no. 16 of building permission has been complied with by Respondent No. 6, though belatedly. The learned Counsel for the BMC does not dispute this fact.

3. The learned Counsel for the petitioner however submits that the said condition ought to have been complied three years back and there is no explanation for that. The learned Counsel for the BMC in this regard submits that they have already charged interest to Respondent No. 6 and have forfeited its security for the delay. In that view of the matter, we are not inclined to take separate action for delay in complying with the said condition no. 16.

4. The grievance raised in the petition stands redressed and we are not inclined to proceed with the matter. The petition is dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]