

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

REVIEW PETITION (L) NO. 91 OF 2014

IN

WRIT PETITION NO. 2853 OF 2012

WITH

NOTICE OF MOTION NO. 77 OF 2015

WITH

CONTEMPT PETITION NO. 14 OF 2015

(NOT ON BOARD)

IN

WRIT PETITION NO. 2853 OF 2012

Brihanmumbai Municipal Corporation	}	
	}	Petitioner
versus		
Mahendra Kumar Jaiswal and Ors.	}	
	}	Respondents

WITH

REVIEW PETITION (L) NO. 89 OF 2014

IN

WRIT PETITION NO. 2461 OF 2013

WITH

NOTICE OF MOTION NO. 75 OF 2015

WITH

CONTEMPT PETITION (L) NO. 103 OF 2014

IN

WRIT PETITION NO. 2461 OF 2013

Brihanmumbai Municipal Corporation	}	
	}	Petitioner
versus		
Bechan B. Jaiswal and Anr.	}	
	}	Respondents

Mr. J. Reis-Senior Advocate with
Mr.Sagar Patil for the petitioners in the
review petitions and for respondent nos. 1
to 3 in the contempt petitions.

Ms. Gauri Jadhav for the respondents in the review petitions and notices of motions and for the petitioners in the contempt petitions.

Mr. Rajendra K. Jaiswal and Mr. Bechan B. Jaiswal-original petitioners present.

Mr. Sushant Patil-Junior Engineer (Market) present.

**CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.**

DATED :- MARCH 22, 2018

P.C. :-

1. It is stated that the main matter, which were disposed of by an order, of which review is sought, is settled.
2. Six shops on the first floor of the MCGM component area in the newly constructed Sant Jalaram Bappa Municipal Market, situated on plot bearing CTS No. 1154 of village Mulund (W), in "T" Ward, Mumbai would rehabilitate the original petitioners-respondents in the review petition.
3. The proposals in that behalf, mutually discussed, are finalised. The allotments would be made on the usual conditions. Since the allotments would be made of a municipal property, a regular document and as contemplated by the law and the rules would be executed between the parties. The whole proposal was

put up for sanction of the superior officials. That has been accepted. Now a formal document remains to be drawn and duly signed and executed between the parties.

4. It is stated that the allottees would have to abide by the terms and conditions except the payment of the difference in the ready reckoner rate and carrying out internal works, namely, construction of partition wall. That would be carried out by the Builder and Developer, namely, Ankur Construction.

5. When this proposal, as finalised, was tendered and it was stated that the Assistant Commissioner (Market), who has to sign and place it before this court on his affidavit, had a medical emergency at his home and therefore, he is not able to attend the court today. However, Ms. Jadhav appearing for the original petitioners and respondents to these review petitions submits that these proposals were discussed with the allottees and they are happy with them. They have accepted the terms as well. They are ready and willing to execute a formal contract with the Municipal Corporation.

6. We direct that all the formalities be completed within a period of four weeks from the date of communication of this order. Our order passed today would formally recall the order under Review dated 15th October, 2013.

7. With the aforesaid directions, the review petitions are disposed of. The contempt petitions, which are not on our board, are also taken on board and disposed of.

8. We take the unsigned and undated communication of the Municipal Corporation, tendered by Mr. Reis learned senior counsel appearing for the Municipal Corporation on record and mark it as 'X' for identification.

9. This order is passed in the presence of petitioners- Mr.Rajendra K. Jaiswal and Mr. Bechan B. Jaiswal and the Junior Engineer (Market) of the Municipal Corporation- Mr.Sushant Patil.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)