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

WRIT PETITION NO. 2108 OF 2016

The Western Edge-1 Condominium & Anr. ... Petitioner
Versus
The Municipal Corporation of Gr. Mumbai & ... Respondents
Ors.

None for the Petitioners.

Mr. Prateek Sakseria, with Pranay Chitale, i/b AZB and Partners
for Respondent No.4.

Mr. Sukanta Karmakar, AGP for Respondent No.3.

Ms. K.H. Mastakar, for Respondent – BMC.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 29TH JUNE, 2018.

PC:-

1. None appears for the Petitioner. The learned counsel appearing for the Municipal Corporation has tendered Affidavit of Shri Narendra R. Rajbhar, Assistant Engineer (Maintenance) and (Building and Factory) R / Central Ward, which is dated 20th June, 2018. The Affidavit records that the Respondent No.4 has produced permissions for installing DG Set and Electrical Transformer. It is stated that during inspection it was found that there was no obstruction in front of DG Set and Electric Transformer and also in compulsory open space in front and around the building. One more inspection was carried out on 14th June, 2018. Photographs taken during the said inspection have been annexed. It is stated that no obstruction was found in front

of DG Set and Electric Transformer and also in compulsory open space in front and around the building.

2. The learned counsel appearing for the Mumbai Municipal Corporation has also tendered a copy of the Affidavit of Shri Abhay Hiroji Sawant, Divisional Fire Officer, Mumbai Fire Brigade. The Affidavit records that in the notice dated 8th January, 2018 two objections were noted as regards the fire safety measures. He has stated that when he visited the site on 16th June, 2018, it was found that both deficiencies mentioned in the Notice dated 8th January, 2018 were removed. In the report annexed, it is stated that the fire fighting installation shall be got tested and inspected by the Government approved agencies and a certificate to that effect shall be submitted to the fire brigade authorities twice a year i.e. January and July.

3. We accept the statements made in the Affidavits. It is obvious that the Respondent No.4 is bound to comply with requirement of submitting certificates mentioned in the report dated 16th June, 2018 of the Fire Brigade Officer.

4. Subject to what is stated above, the Petition is disposed of.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)