

Sharayu Khot.

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

WRIT PETITION NO. 2861 OF 2015

**Lokhandwala Construction Industries ...Petitioner
Pvt.Ltd.**

Versus

**The Municipal Corporation of Greater ...Respondents
Mumbai & Ors.**

Mr. Piyush Raheja, a/w Ms. Jyoti Ghag, Mr. Rajendra Jain, i/by
M/s. Thakore Jariwala & Associates, for the Petitioner.

Mr. Narendra V. Walawalkar, Senior Counsel, Ms. Vandana
Mahadik, for the Respondent-BMC.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 9 April 2018

ORDER :

1. The learned Counsel appearing for the Petitioner

states that now the Petitioner is pressing relief only in terms of prayer clause (c), which reads thus:-

“(c) this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order directing the Respondents to issue an occupation certificate to Petitioners for buildings completed by it on the sub plot E-2 and sub plot DH of its property bearing CTS No. 171/1A/1 to 171/1A/70, 192 to 195, situated at Village Akurli, Taluka Borivali, Kandivali East, Mumbai, Maharashtra.”

2. The compilation tendered by the Mumbai Municipal Corporation on earlier date which was served upon the Advocate for the Petitioner shows that the completion certificate submitted on 14 August 2014 by the architect of the Petitioner has not been accepted by the Municipal Corporation. For the reasons which are recorded in communication dated 28 August

2014, so long the communication dated 28 August 2014 stands, the prayer clause (c) cannot be considered on merits. The Petitioner will have to either apply for a fresh completion/occupation certificate or will have to challenge the communication dated 28 August 2014 in accordance with law, if today it is permissible in law.

3. Subject to what is observed above, the Petition is accordingly, disposed of.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]