

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

**WRIT PETITION (L) NO. 3562 OF 2017**

Raj Construction

..Petitioner

v/s.

The Chief Officer,  
M.B.R & R Board, MHADA & Ors.

..Respondents

Mr. A.P. Deshmukh for the Petitioner.  
Mr. M.V.Morre, Addl. G.P for the State.  
Mr. Kamlesh Ghumare for MHADA.  
Mr.K.K.Holambe Patil for the Respondent No.5.

**CORAM : RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI,JJ.  
DATED : APRIL 27, 2018.**

**P.C.**

1. Mr. Holambe Patil, learned Counsel for the respondent no.5, at the outset makes a statement that initially the petitioner had entered into an agreement with the respondent no.5 in respect of the flat no.1401 on the 14<sup>th</sup> floor, admeasuring about 345 sq. ft. in the building Sylvia House, JSS Road, Chira Bazaar, C.S.No. 926 Off Bhuleshwar Division, Mumbai-2. He submits that this flat is sold by

the petitioner-developer to somebody else and therefore the petitioners are liable for criminal action.

2. The learned Counsel for the petitioner, having taken instructions from his client makes a statement that the respondent no.5 would be given flat No.1403. He submits that the earlier sanctioned plan was subsequently changed, and in the revised plan flat no.1401 was re-numbered as flat no.1403, and that the petitioner is ready and willing to give this flat to the respondent no.5. Statement accepted.

3. Mr. Holambe Patil, learned Counsel for the respondent no.5, having taken instructions from his client makes a statement that the respondent no.5 is ready and willing to accept flat no.1403 on the 14<sup>th</sup> floor, admeasuring about 345 sq.ft. carpet area. Statement accepted. His only grievance now is that the petitioner should rectify the earlier agreement dated 8<sup>th</sup> May, 2013 so as to change the number of the flat from 1401 to 1403. The learned Counsel for the petitioner, again having taken instructions from his clients makes a statement that the agreement dated 8<sup>th</sup> May, 2013 executed between the respondent no.5 and the petitioner will be modified within a

period of four weeks from today, so as to change the number of flat from 1401 to 1403. The petitioner also undertakes to clear arrears of the rent till date, as per the agreement. Statement accepted.

4. In the light of the above, the petitioner fairly concedes that the grievance raised in the petition no more survives. Mr. Holambe Patil also fairly states that since the dispute is settled between the parties, the respondent no.5 shall withdraw all the civil and criminal proceedings made to the different authorities in respect of the said flat. Statement accepted.

5. Petition stands disposed of accordingly.

**(ANUJA PRABHUDESSAI, J.)**

**(RANJIT MORE, J.)**