

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

WRIT PETITION (L) NO.4184 of 2018

Hemant Jhanwarlal Nahata .. Petitioner
vs
M/s Nirmal Realtors & Developers Ltd & ors.. Respondents

Mr.Amogh Singh I.b Mr,.D.P.Singh for Petitioner
Mr.Makrand Raut for Respondent no.1
Ms.Ankjita Nishad with Ms.Nirbhay Phusale
I/b Mr.Abhijit Desai for Respondent no.5-SRA

Coram : G.S.KULKARNI, J
Date : 22ND DECEMBER, 2018

P.C

On the background as to what had transpired on the earlier occasion, learned counsel for the respondent no.1 has tendered an affidavit of Mr.Ajit Shriram Marathe Director of respondent no.1 inter alia stating that the respondent no.1 does not have any additional area/premises admeasuring 1383 sq.ft to be provided to the petitioner and the petitioner would be entitled to the rehabilitation component admeasuring 225 sq.ft as stated in para 2 of the affidavit. Statement as made by respondent no.1 is accepted as an undertaking to the Court.

2. Learned counsel for the petitioner on instructions from his clients, states that he would vacate the premises within a period of three weeks from today. Statement is accepted.

3. Needless to observe that if the petitioner does not vacate the premises, it would be permissible for the respondent no.1 to take appropriate action as per law.

4. As regards the additional area being claimed on behalf of the petitioner, it is open to the petitioner to agitate his grievances in appropriate proceedings.

5. As regards the petitioners' claim for the additional area to which the petitioners says that he is lawfully entitled, learned counsel for the petitioner states that they have already approached the CEO of the SRA and that issue is pending. The CEO shall hear all parties concerned and shall take appropriate decision on such application of the petitioner within five weeks from today without taking any further extension. All contentions of the parties in that regard are expressly kept open.

Petition is accordingly disposed of. However, in the above terms.
No costs.

(G.S.KULKARNI, J)

corrected as per speaking to minutes of the order dated 18 January 2019