

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7679 OF 2015
WITH
CIVIL APPLICATION NO. 2955 OF 2015

Gera Developments Pvt.Ltd.	}	Petitioner
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Mr.P.K.Dhakephalkar-Senior Advocate
with Mr.S.N.Biradar for the petitioner.

Mr.A.A.Kumbhakoni-Advocate General
with Ms.A.A.Purav-AGP for State.

Mr.Abhijit P.Kulkarni for respondent
nos.2 and 3.

CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.

DATE :- APRIL 1, 2019

P.C. :-

1. This writ petition seeks the following reliefs:-

“b) issue appropriate writ, order or direction to hold and declare that General Body Resolution NO.74 dated 24.05.2011 and Circular dated 16.06.2011 issued by Pune Municipal Corporation are unconstitutional, contrary to provisions of law, void ab-initio and consequently quash and set aside General Body Resolution No.74 dated 24.05.2011 and Circular dated 16.06.2011 issued by Pune Municipal Corporation;

c) Issue appropriate writ, order or direction directing Respondents No.2 and 3 to withdraw/cancel General Body Resolution No.74 dated 24.05.2011 and Circular dated 16.06.2011 issued by Pune Municipal Corporation;

d) Issue appropriate writ, order or direction to declare Challan No.CE/BP/13750/14 of Rs.5,80,99,572 dated 29.10.2014 issued by Pune Municipal Corporation as unconstitutional, illegal, void ab-initio and consequentially quash and set aside Challan No.CE/BP/13750/14 of Rs.5,80,99,572/-”

2. During the pendency of this petition, the petitioner has taken advantage of an amnesty scheme. The petitioner has filed an additional affidavit, in which, in paras 6 and 7, it says as under:-

“6) I further say that thereafter, meanwhile Respondent-Pune Municipal Corporation came out with an amnesty scheme to regularize the buildings where people live without occupancy certificate and under the said scheme Respondent-PMC issued fresh Challan bearing No.CE/BP/5173/16 dated 9.6.2016 thereby asking the Petitioner to pay the compounding fees of Rs.3,90,000/- for regularization of alleged unauthorized use of Building Nos.3, 4 & 5 (i.e. use of 90 flats in respect of which OC was not issued on 5.6.2015) without obtaining Occupancy Certificate.

7) That after receipt of aforesaid Challan from Respondent-Pune Municipal Corporation, the Petitioner has paid the said amount of Rs.3,90,000/- towards compounding fees as per amnesty scheme and after receipt of the said compounding fees amount, the Respondent-Pune Municipal Corporation issued Part Occupancy Certificate No.OCC/0413/16 to Petitioner in respect of remaining 90 flats in Building Nos.3, 4 & 5 of Sky Villa Project. Hereto annexed and marked as (EXHIBIT-A (COLLY)) are the copies of Challan dated 9.6.2016 and Occupancy Certificate dated 10.6.2016 issued by PMC to Petitioner.”

3. In view of this further development and on account of the payment made as enumerated in para 8 of this additional affidavit, request is to dispose of this petition as not pressed.

4. In the light of this additional affidavit filed by the petitioner in this petition and the contents thereof, nothing survives in this petition and it stands disposed of.

5. In the light of the disposal of the writ petition, the civil application does not survive and stands disposed of as such.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)