

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.165 OF 2015**

The Municipal Commissioner of Municipal
Corporation of Greater Bombay and Anr. .. Appellants

Vs.

M/s.Vardhman & Hiranandani Developers .. Respondents

**WITH
FIRST APPEAL NO.849 OF 2019**

M/s.Vardhman & Hiranandani Developers .. Appellants

Vs.

The Municipal Commissioner of Municipal
Corporation of Greater Bombay and Anr. .. Respondents

Mr.Vatsal Merchant with Mr.Sharad Wakchoure i/b M/s.Kishore
Thakurdas and Co. for the appellant in First Appeal No.849 of
2019 and for Respondent in First Appeal No.165 of 2015

Mr.B.M.Chatterji Sr.Advocate with Mr.Vishesh Srivastav and
Ms.Kavita Singh i/b Ms.Shital Mane for the Appellant M.C.G.M. in
First Appeal No.165 of 2015 and for Respondents in First Appeal
No.849 of 2019

**CORAM : K. K. TATED, J
DATED : NOVEMBER 19, 2019**

P.C.

1 A common judgment was pronounced in the above matters
on 15th November 2019.

2 Today, the learned senior counsel for the Appellant /

Defendant - Municipal Corporation, by way of praecipe dated 18.11.2019 moved for stay to the effect, operation and implementation of the judgment dated 15th November 2019 passed by this court.

3 Heard learned senior counsel for the Municipal Corporation and the learned counsel for the rest of the parties.

4 The learned counsel for the Municipal Corporation submits, that the operation and implementation of the judgment dated 15th November 2019 be stayed for a period of eight weeks.

5 On the other hand, the learned counsel for the original Plaintiff has vehemently opposed the grant of stay. He submits that in any case, this court has directed the Municipal Corporation to issue Occupation Certificate and Completion Certificate after following due process of law, which will take some time. Hence, there is no question of grant of any stay.

6 It is to be noted that in the present proceedings, unless and until all formalities are completed by the Plaintiffs, there is no question of granting any Occupation Certificate or Completion Certificate.

7 Hence, the oral request for stay made by the learned senior counsel for the Municipal Corporation is rejected.

8 All pending Civil Application/s, if any, stand disposed of as infructuous, in view of Judgment dated 15th November 2019.

(K.K.TATED, J.)