

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

WRIT PETITION NO.1336 OF 2019

Madhav Bhuvan "A" Block Chawl
Committee and Ors.

... Petitioners

versus

State of Maharashtra and Ors.

... Respondents

Mr. Onkar V. Warange, for Petitioner.

Mr. Himanshu Takke, AGP, for Respondent No.1.

Mr. Cyrus Ardeshir with Mr. Ravi Gandhi, Mr. Rashmin Gandhi i/by Kanga and Co.,
for Respondent Nos.5 to 9.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 15th OCTOBER, 2019

P.C.:

1. By the above Writ Petition, the Petitioners have inter alia sought directions against Respondent No.5 to submit a time bound schedule towards development and construction of the rehab building and to rehouse the members of the Petitioner in the said building on the property i.e. Madhav Bhuvan, A Block situated at C.S.No.455, Lower Parel Division, Lower Parel, Mumbai.

2. The main grievance of the petitioners is that the developer is taking a very long time to complete the reconstruction of the rehab building and also that they have not received from the developer the monthly compensation towards temporary alternate accommodation.

3. The learned Advocate for the Respondent No.5 developer has informed the Court that the Petitioners who are 14 in number were offered Rs.18,000/- per month towards compensation in lieu of temporary alternate accommodation by the developer, but the Petitioners have refused to accept the same. He states that this is the amount paid by the developer to all the tenants/members who have arranged their stay by obtaining temporary accommodations. Some of the tenants have been accommodated in transit camps. He undertakes to pay the entire arrears to the 14 petitioners @ Rs.18,000/- p.m. within a period of one week from today and continue to pay an amount of Rs.18,000/- p.m. towards temporary alternate accommodation on or before the 10th day of each month until the rehab building is constructed, occupation certificate obtained and possession of permanent alternate accommodation is provided. He further undertakes that the same undertaking will apply to other tenants/members who have not approached this Court and upon their approaching the developer by giving a written application/request, the developer shall pay to them the arrears of compensation within four weeks from the date of such written request.

3. As far as the completion of the rehab building/portion of the project is concerned, the developer further undertakes to complete the same within a period of 30 months from the date of receipt of the amended commencement certificate. The developer also undertakes to file within four weeks from today an Affidavit in the Registry along with a bar chart setting out the schedule of work to be completed as

undertaken above. Such Affidavit shall be filed by one of the partners of Respondent No.5 who will undertake to comply with the schedule set out in the bar chart. A copy of the Affidavit along with the Annexures shall be forwarded to the Advocate for the Petitioners. The above undertakings are accepted.

4. All the tenants/members/petitioners who are at site shall extend full cooperation to the developer so as to enable him to complete the project as per the bar chart.

5. The Registry shall accept the Affidavit that will be filed by the partner of the developer.

6. The above Writ Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)