

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****WRIT PETITION (L) NO. 2333 OF 2019****Bachubhai Devashi Furiya****..... Petitioner****VERSUS****Maharashtra Area and Housing
Development Authority & Ors.****..... Respondents**

Ms.Vidya Nair, a/w. Ms.Vimla Shah, Ms.Ruchi K., Mr.Somil Gada, i/b.
Mr.Dhiren H.Shah for the Petitioner.

Ms.Manisha Jagtap for the Respondent nos. 1 and 2.

Mr.Pravin Samdhani, Senior Advocate, a/w. Mr.Krishna Moorthy,
Ms.Bhakti Mehta, i/b. M/s.Wadia Ghandy & Co. for the Respondent
no.3.

CORAM : R.D. DHANUKA, J.**DATE : 9th AUGUST, 2019****P.C.**

By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 5th August,2019 passed by the respondent no.2 under section 95A of the Maharashtra Housing and Area Development Act, 1976.

2. By consent of the petitioner and the respondent no.3, following order is passed :-

- (a) The petitioner undertakes to vacate and handover vacant possession of the shop in question to the respondent no.3 within 15 days from today without fail. Undertaking is accepted.

(b) Mr.Samdhani, learned senior counsel appearing for the respondent no.3 on instruction states that the respondent no.3 would pay the compensation to the petitioner in the sum of Rs.70,000/- per month for a period of 12 months which would commence from the date of the petitioner handing over possession of the suit shop to the respondent no.3 for a period of 12 months in lieu of temporary alternate accommodation. He further undertakes on instructions to pay compensation to the petitioner at the rate of Rs.90,000/- per month for a period of one and half year. He further undertakes that his client would continue to pay the transit compensation to the petitioner till possession of the permanent alternate accommodation is handed over to the petitioner. Undertaking is accepted.

(c) The petitioner would be at liberty to apply for escalation of compensation if the possession of the permanent alternate accommodation as agreed by the respondent no.3 within 30 months from the date of the petitioner handing over possession of the suit shop is not handed over to the petitioner by the respondent no.3.

(d) If any such application is filed by the petitioner for escalation, the same would be decided by this court on its own merits.

(e) Insofar as agreement for permanent alternate accommodation in respect of the suit shop is concerned, learned senior counsel undertakes to execute such agreement for permanent alternate accommodation one week prior to the actual commencement of the construction of the new building. Undertaking is accepted.

3. Writ petition is disposed of on the aforesaid terms. No order as to costs.
4. The parties to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]