

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (Lodging) No. 203 of 2020.

Chandrabhaga Sakharam Padiyar & Ors

..Petitioners.

Vs

The State of Maharashtra & Ors

..Respondents.

Mr. Aditya Pratap, Advocate for the Petitioners.

Mr. Amit Shastri, AGP for Respondent No.1.

Mrs. Aarti Bhide a/with Vandana Mahadik and Sheetal Metkari for Respondent-MCGM.

Mr. J.G. Aradwad (Reddy) for Respondent Nos. 4 and 5.

Mr. Abhijit Desai i/by Kuldip Pawar for Respondent No.6.

Mr. Piyush Gosar – Developer (respondent No.6) present in person.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED :- 22nd JANUARY, 2020.

P.C. :-

1. The Developer, admittedly, failed to pay the water charges to the Corporation in respect of the water supplied to transit camps occupied by 128 tenants/eligible Slum Dwellers. In view thereof, the slum dwellers have been deprived of water supply since 23rd December, 2019.

2. When the matter was called out before this Court on 20th January, 2020, the Developer failed and neglected to appear before the Court. In view thereof, the Developer/ Respondent No.6 was directed to remain present before this Court and was warned that upon failure to appear before the Court, an arrest warrant shall be issued to ensure the presence of its Partners. Thereafter, the Developer/Respondent No.6 on 21st January, 2020 paid an amount of Rs.807966/- instead of the amount of Rs.894026/-, claimed by the Corporation.

3. Today, Mr. Piyush Gosar, Partner of Respondent No.6 Developer is present in Court. The conduct of the Developer / Respondent No.6 who has deprived the eligible Slum Dwellers of the basic amenity of water supply, since 23rd December, 2019, is absolutely unfair and inhuman and strongly deprecated. The Developer/Respondent No.6 undertakes to pay the differential amount to the Mumbai Municipal Corporation, in cash, by 12:00 noon on 23rd January, 2020. Upon receipt of the entire amount, the Municipal Corporation shall forthwith start the water supply. The Developer also undertakes to pay future water bills before the due date and will not contend that he has not paid the bills due to financial constraints. The undertaking is accepted. The Writ Petition is accordingly disposed of.

4. As far as the other grievance of the Petitioners are concerned, they are

granted liberty to take out appropriate proceedings, including filing of Writ Petition seeking appropriate reliefs.

5. Place the Writ Petition on 23rd January, 2020 at 5:00 p.m. to report compliance.

6. The Manager, Axis Bank, Mulund Branch shall either appear before this Court at 5:00 p.m. on 23rd January, 2020 and inform the Court, whether the cheque No.304300 issued by the Developer to the Corporation is cleared and/or inform the Prothonotary and Senior Master of this Court over the phone whether the said cheque has been cleared.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)