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

WRIT PETITION NO. 43 OF 2019

SGS India Pvt. Ltd.

...Petitioner.

vs

State of Maharashtra & Ors.

...Respondents

.....

Mr. Milind Sathe Sr. Counsel a/w Mr. Kaustav Talukdar and Mr. V. Kalra i/b
Vidhi Partners for the Petitioner

Mr. Yashodeep Deshmukh and Ms. Vandana Mahadik and Ms. Sheetal Metkari
for the Respondent / M.C.G.M.

.....

**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED 22ND JANUARY , 2020.**

P.C. :

The above Writ Petition is filed by the Petitioner *inter alia* seeking the
following reliefs :-

- “(a) *that this Court be pleased to issue a writ of Certiorari, or a writ in the nature of Certiorari, or any other appropriate writ, order or direction, calling for the papers and proceeding, culminating into rejection of the Petitioner’s Application dated 5th November, 2016 under Section 44 of the MRTTP Act (being **Exhibit J** hereto) and after examining the legality, validity and propriety thereof, to quash and set aside the same.*
- (b) *that this Court be pleased to issue a writ of Certiorari or a writ in the nature of Certiorari or any other appropriate writ order or direction, calling for the papers and proceedings, culminating into issuance of the impugned communication bearing Ref. No. MC-III/VS dated 11th June, 2018 issued by the Respondent No.4 (being **Exhibit I** hereto) and after examining the legality, validity and propriety thereof, to quash and set aside the same;*
- (c) *that this Court be pleased to issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or direction, commanding the Respondent No.2 to consider the Application of the Petitioners under Section 44 of the*

*Maharashtra Regional and Town Planning Act, 1966 dated 5th November, 2016 (being **Exhibit E** hereto) and regularize the construction of the 32 Industrial Galas situated at CTS No. 4-B, admeasuring 2,482 sq.mtrs. ,village Hariyali, Taluka Kurla, District Mumbai, forthwith. ”*

2. There is some controversy as to whether the application dated 5th November, 2016 was rejected with reasons or without reasons. To put an end to the controversy, it is agreed that a fresh application shall be filed by the Petitioner to the Building Proposal Department of the Municipal Corporation under Section 44 of the Maharashtra Regional and Town Planning Act, 1966. The Building Proposal Department of the Municipal Corporation shall give hearing to the Petitioner and/or their Advocates and pass a fresh order considering only the Development Control Regulations and not taking into consideration the issue pertaining to the Urban Land (Ceiling and Regulation) Act, 1976 in view of the order passed by this Court dated 27th November, 2018 passed in Chamber Summons No. 177 of 2017 in Writ Petition No. 3035 of 2016, which Writ Petition is pending before this Court. In view of the above, the Writ Petition is disposed of. All contentions of the parties are kept open.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)