

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 4698 OF 2020

Kisan Waman Sangale and others

... Petitioners

Versus

Maharashtra Housing and Area Development Authority and others ... Respondents

ALONGWITH

WRIT PETITION (L) NO. 3208 OF 2019

.....

Mr. Chetan Mali for the Petitioners.

Ms. Jaya Bagwe instructed by S.U. Deshmukh for Respondent Nos.1 to 3.

Mr. Cyrus Ardeshir alongwith Mr. Sanjay Kadam, Ms. Apeksha Sharma, Mr. Sanjeel Kadam and Ms. Sayli Rajpurkar instructed by Kadam & Co. for Respondent Nos.4 to 11.

Ms. Geeta Shastri, AGP alongwith Mr. Amit Shastri, AGP for the State.

.....

CORAM : S.J. KATHAWALLA AND

RIYAZ I. CHAGLA, JJ.

DATED : DECEMBER 8, 2020.

P.C. :-

1. Perused the Writ Petitions and the orders passed therein. Respondent Nos.7 and 8 stand deleted from the array of parties.
2. Pursuant to the directions of this Court, Respondent Nos.4 to 11 have paid an amount of Rupees One Crore Twenty Lakhs to the Petitioners being part payment towards arrears of compensation in lieu of temporary alternate accommodation and undertakes to pay the balance amount in three equal monthly installments, the first

installment being payable on or before 5th January, 2021. The exact figure payable towards the balance amount of arrears shall be arrived at between the parties within one week from today and the same shall be paid to the Petitioners as undertaken above.

3. In addition to the arrears undertaken to be paid as above, the developers undertake to pay the current months rent as agreed and states that they will not commit any default in making such payments.

4. The developers further undertake that if the amended plan/s submitted as per the latest DCR is not sanctioned by 15th June, 2020, they shall forthwith start the construction as per the plan/s approved/sanctioned as on 15th June, 2020 by the MCGM and not seek any further time from any Court.

5. The above statements/undertakings are accepted.

6. The above Writ Petitions are accordingly disposed off with liberty granted only to the Petitioners to apply if the developer commits breach of any of the undertakings recorded above.

7. This order will be digitally signed by the PA/PS of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(RIYAZ I. CHAGLA, J.)

(S.J. KATHAWALLA, J.)