

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

WRIT PETITION NO. 938 OF 2021

**Vile Parle Dil Pazir Flat Owners
Co-operative Housing Society Ltd., ...Petitioners.**

VERSUS

The State of Maharashtra & Ors. ... Respondents.

Mr. Shrinivas Bobde, Advocate a/w. Ashish Verma i/by
M/s. David & Associates for the Petitioners.

Mr. Sukanta Karmakar, AGP for the State.

Ms. Oorja Dhond, Advocate for the BMC.

CORAM : A.A.SAYED & S.G.DIGE,JJ.
DATE : AUGUST 13, 2021.

P.C. :

1 We have perused the decision of TAC dated
9th April, 2021. The conclusion of the TAC reads as
follows :

“In this case, after going through the
details from both the consultant and site
visit, it is observed that M/s. S. G. Patil
Consultants submitted the report without
mentioned the date below the signature.

Without taking permission from the
MCGM, the repairs have been carried out.
Therefore, it is directed that both the parties
shall carry out the structural audit report of
the present building again and submit it

accordingly. Till then this building has been removed from the TAC.

Designated officer/ Exe. Engineer (B&F) of K/West ward shall therefore, take necessary action as per the policy guidelines dated 25.05.2018.”

2 By consent of the learned Counsel for the Petitioner-Society and the learned Counsel for the Respondent No.7-, we appoint M/s. Shetgiri & Associates, Architect and Structural Engineer, to inspect the building in question and submit its structural audit Report to the TAC as well as the Petitioner-Society and Respondent No. 7 within four weeks from today. Learned Counsel for the parties are agreed that the fees of M/s.Shetgiri & Associates shall be borne equally by the Petitioner-Society and the Respondent No. 7.

3 The TAC shall take appropriate independent decision after hearing all concerned including the Petitioner-Society and Respondent No.7.

4 The Petition to stand disposed of in the aforesaid terms.

(S.G.DIGE, J.)

(A.A. SAYED, J.)