

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

COURT RECEIVER'S REPORT NO.246 OF 2021

**IN
SUIT NO.334 OF 2016**

Girnar Residency Co-operative
Housing Society Ltd. (Proposed) & Ors. .. Applicants/Plaintiffs
v/s.
Shardha Co-operative Housing Society
Ltd. & Ors. .. Defendants

Mr. Shyam Mehta, Sr. Advocate, a/w Rohaan Cama, Kiran Jain & Ish Jain
i/b. Kiran Jain & Co. for the plaintiffs.

Mr. J. G. Reddy for SRA.

Ms. Tamanna D. Bafna for the defendant no.1.

Ms. Kausar Banatwala a/w Ms. Neuty N. Thakkar i/b. Mr. Tushar
Goradia for defendant nos.2 to 4.

Mr. Sagar Patil a/w Ms. Yamuna Parekh for MCGM.

Mr. Shetgiri for Shetgiri Associates.

CORAM : A. K. MENON, J.

DATED : 19TH APRIL, 2021.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. Pursuant to order dated 18th June, 2019 the representative of M/s.

Shetgiri & Associates have in consultation with the parties,

representatives and the representatives of the Chief Fire Officer and SRA have already visited the site and have understood the scope of work to be carried out in terms of that order. In the operative portion paragraph 32 sub-clause (iv) the order records that the opening in the wall would be created after the “MCGM approves the plan”. It is pointed out today that the planning authority was always the Slum Rehabilitation Authority and hence MCGM is not in a position to approve the plan.

2. On behalf of SRA, Mr. Reddy points out that the entire wall is reportedly unauthorized. However, having visited the site his officers have noted the opening propose to be created and without prejudice to its rights and contentions that the construction of the wall was itself unauthorized, the SRA have no objection if a part of the wall is removed as per the plan approved by the said Architects.
3. In view thereof, the order shall now be complied in terms as early as possible and in any event subject to the local administration allowing the same at the earliest opportunity and subject to shut compliance of the SOP published.

4. Report is disposed in terms of the above and in terms of prayer clause (c).
5. All parties to act on a copy of this order authenticated by the Associate of this court.

(A. K. MENON, J.)