

Sharayu Khot.

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

INTERIM APPLICATION NO. 160 OF 2021

AND

SUIT NO. 7 OF 2021

Rekha Vijaykumar Rane

**...Applicant/
Plaintiff**

Versus

Messrs Parshwanath Constructions & Anr. ...Defendants

Ms. Chetan Kapadia i/by Sapna Rachure for the Plaintiff.

Mr. Pratik Pawar i/by Randive & Kadam Associates for the Defendants.

CORAM : R.I. CHAGLA J

**DATE : 04 January 2022
(Through V.C.)**

ORDER :

1. By the present Interim Application, the Applicant has sought direction against the Respondent No. 1 to complete the construction, obtain the Occupation Certificate and handover possession of the suit flat to the Applicant as per suitable timelines and on a schedule which is submitted to this Court by Respondent No. 1.

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2. Learned Counsel appearing for the Applicant has stated that the Applicant though allotted Flat No. 602 in A Wing of the new building being constructed on the said property described in Exh.B to the Plaint, the Applicant has till date not put in possession of the Flat No. 602 in A Wing allotted in the new building.

3. Learned Counsel for the Applicant has submitted that the Respondent No. 1 be directed to disclose on Affidavit the status of the application for Occupation Certificate and as to when the Occupation Certificate will be obtained so as to handover the possession of the suit Flat to the Applicant.

4. Learned Counsel appearing for the Respondent No. 1/Original Defendant No. 1 has stated that the Application for Occupation Certificate has been made to MHADA dated 22nd November 2021 and that the Occupation Certificate is expected within 45 days. Learned Counsel for the Respondent No. 1 has also submitted that consent for Occupation Certificate has been obtained from MHADA.

5. Accordingly, Respondent No. 1 shall file an Affidavit in Reply to the Interim Application putting on record the application made to MHADA as well as the consent obtained from MHADA and shall state as to when the Occupation Certificate is expected. Affidavit in Reply shall be filed by the Respondent No. 1 on or before 17th January 2022.

6. Place the Interim Application on 19th January 2022.

[R.I. CHAGLA J.]