

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2010 OF 2019**

Suryakant Vitthal Raut ...Petitioner
Versus
Maharashtra Housing and Area Development ...Respondents
Authority and Ors

**Mr Pradeep Havnur, i/b Chitra Salunke, Salunke & Company, for
the Petitioner.**
Ms Manisha Jagtap, for the Respondent No.1-MHADA.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 20th December 2021**

PC:-

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1. Mr Havnur reports that possession is taken. As regards the payment, there is a delay because banks were closed on Friday on account of strike.
2. There is a Demand Draft of Rs. 78,750/- in favour of the Chief Officer of the Repair Board. MHADA will accept this.
3. MHADA has also demanded an amount of Rs. 43,760/- as maintenance charges due from 2017. There is no question of MHADA making any such demand. It had not delivered possession

of the flat to the Petitioner in 2017. It had not even offered possession. This Petition had to be filed in 2019 as a result of that. In our order of 17th December 2021, we noted that MHADA's allotment letter in respect of Flat No.F-2302 was as recent as 16th February 2021. The Petitioner is not required to pay maintenance charges of Rs. 43,760/- or any other amount until Saturday, 18th December 2021. However, from 18th December 2021, the Petitioner will be required to pay regular maintenance charges as applicable.

4. The Petitioner undertakes to file the necessary surrender deeds in respect of the transit accommodation.

5. This order is without prejudice to the Petitioner's right to file appropriate proceedings for monetary compensation for the delay and for the loss, if any, caused to the Petitioner in regard to the delayed possession. All contentions are kept open in any such proceeding.

6. No further orders are required.

7. The Petition is disposed of in these terms. No costs.

8. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)