

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal from Order No. 1048 / 2019
Alongwith
Civil Application (CAA) No. 1208 / 2019
in
Appeal from Order No. 1048 / 2019

Alongwith

Appeal from Order Stamp No. 10208 / 2018
Alongwith
Civil Application (CAA) Stamp No. 10211 / 2018
in
Appeal from Order Stamp No. 10208 / 2018

Mrs. Alka Sunil Khanna
Thr. COA. Mr. Sunil Khanna

... Appellant

Versus

The Municipal Corporation of Greater
Mumbai and Anr.

... Respondents

Alongwith

Appeal from Order Stamp No. 9284 / 2018
Alongwith
Civil Application (CAA) Stamp No. 9286 / 2018
in
Appeal from Order Stamp No. 9284 / 2018

Mr. Suraj Ramesh Kalra and Anr.

... Appellants

Versus

The Municipal Corporation of Greater
Mumbai and Anr.

... Respondents

Alongwith

Appeal from Order No. 556 / 2019

M/s. Anika International Ltd., Thr. Auth. Reps.
Mr. Balasaheb S. Jadhav and

... Appellants

Versus

The Municipal Corporation of Greater
Mumbai and Anr.

... Respondents

Alongwith

Appeal from Order No. 557 / 2019

Mrs. Rekha Sanjiv Krishnani

... Appellant

Versus

The Municipal Corporation of Greater
Mumbai and Ors.

... Respondents

Mr. Jagdish N. Jayale, Advocate for the Applicant.
Mr. Ravindra Sirsikar, Advocate for Respondent/MCGM.

CORAM : SANDEEP K. SHINDE, J.

DATE : 14th MARCH, 2022.

P.C.

1. Appeals from order are taken up for hearing together, since issue involved therein, is one. Appellant-Plaintiffs, are members of a Co-operative Housing Society. Municipal Corporation issued notice

dated 20th May, 2017. Notice would allege that the Plaintiffs without building permission, carried out the construction, beyond approved plan. These notices were challenged in the suit alongwith Speaking Order dated 10th September, 2019. The learned trial Court declined to stay the effect and implementation of the suit notice. The order refusing the ad-interim relief is challenged in these appeals. Pending appeals, Municipal Corporation of the Greater Mumbai approved the amended plan; copy of which is taken on record. Whereafter Appellants deposited the premium Rs. 20 Crores. Thus, on 28th February, 2022, the following order was passed;

- 1) Heard. Learned Counsel for the parties.
- 2) Executive Engineer, Building Proposal (Western Suburb) by letter dated 31st December, 2021 intimated Yomesh Narayan Rao, Architect of Nar Narayan Co-operative Housing Society Limited that, Competent Authority has accorded sanction for carrying out the work as per amended plans. Mr. Jayale, submits that, in compliance of Amended Plan Approval letter, premium Rs. 20 Crores has been paid to the Corporation. Copy of the Amended Plan Approval Letter is taken on record and marked "X-1" for identification.
- 3) Mr. Sirsikar, seeks time to verify. Time granted. Stand over to 14th March, 2022.
4. Interim order shall continue to operate till then.

2. Mr. Sirsikar, learned Counsel appearing for the Corporation has

confirmed that the Appellants have deposited premium Rs. 20 Crores and would submit process of issuing the completion certificate is underway subject to compliance of conditions by the Appellants. Statement is accepted.

3. In that view of the matter, the appeals require no further consideration; however Corporation shall complete process for issuing the completion certificate in accordance with law at the earliest and preferably within eight weeks from today. Needless, to say that the impugned notices shall remain stayed till the completion certificate is issued by the Corporation. With these observations, the appeals are allowed and disposed of in the aforesaid terms.

4. Since appeals itself have been disposed of, nothing survives in the applications therein and same are also disposed of.

(SANDEEP K. SHINDE, J.)