

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2931 OF 2021

Smt. Sonali Ashok Tandle
through her constituted attorney
Mr. Vikrant Ashok Tandle.

...Petitioner.

V/s.

The Executive Engineer F/S Division,
Mumbai Building Repair and Mumbai
Building Repair and Reconstruction
Board & ors.

...Respondents.

Mr. Vivek Salunke i/b. Mr. Ajinkya J. Jaibhave, for the Petitioner.

Ms. Sayali Apte a/w. Ms. Shreya Shah i/b. Mr. P.G. Lad, for
Respondent Nos. 1 to 3(MHADA).

Mr. R.M. Haridas a/w. Mr. Abhinav Bhatkar i/b. Mr. Ajay S. Patil,
for respondent Nos. 4.

Mr. A.P. Vanarase, AGP for State.

**CORAM : S.V. GANGAPURWALA &
R.N.LADDHA, JJ.**

DATED : SEPTEMBER 26, 2022

P.C. :

1. We have heard the learned Counsel for the Petitioner and
the developer.

2. On 31st March, 2022, this Court has observed that

Petitioner is now found to be eligible and entitled for Permanent Alternate Accommodation. This has been certified by MHADA. It is further observed that it is for the 4th Respondent developer to enter into a Permanent Alternate Accommodation Agreement (“PAAA”) with the Petitioner and to provide the Permanent Alternate Accommodation once it is ready and the Occupation Certificate is received. The Court further observed that the PAAA will be executed within two weeks.

3. Now the dispute of area is raised. According to the learned Counsel for the Petitioner, the developer himself has produced the plan signed by it before MHADA for claiming incentives, wherein it is shown that the Petitioner is entitled for 43.01 sq.metr. of the premises as per the plan.

4. According to the Respondent-Developer, the petitioner is entitled to an area of 315 sq.ft. Reliance is placed by him on the area, which the Petitioner is occupying according to the developer.

5 The dispute about area is within the realm of MHADA. MHADA shall decide the area that the Petitioner would be entitled to. The Petitioner and the Developer shall appear before the Competent Authority of MHADA on 30/9/2022. MHADA

shall consider the documents placed on record by the petitioner and the developer and the stand taken by them and shall take decision with regard to the area of the alternative permanent tenement, the Petitioner is entitled to. The said decision shall be taken preferably within 7 days from the date, the Petitioner and Developer appear before it.

6. Upon decision of MHADA, the Developer shall execute the Permanent Alternative Accommodation Agreement with the Petitioner within 15 days.

7 The parties may raise their plea with regard to parking place etc. before MHADA.

8 Writ Petition disposed of on the above terms. No order as to cost.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA,J)