

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13381 OF 2022

MDM Developer
Through its authorized Partner
Mr. Prashant R More : Petitioner.
Versus
Pmpri Chinchwad Municipal Corporation & ors. : Respondents.

Mr. Aseem Naphade a/w Ms. Swati Pawar i/by S. K. Legal Associates LLP for
the Petitioner.
Mr. Kedar B Dighe for Respondent Nos. 1 to 3 – PCMC.

CORAM : S. V. GANGAPURWALA &
ARIF S. DOCTOR, JJ.
DATED : 22nd NOVEMBER 2022

P.C.

1 We have heard the learned advocate for the Petitioner. Learned
advocate for the Petitioner submits that interim order was passed by the
Commissioner of Respondent No.1 on an application for construction
permission. The Petitioner approached this Court by filing Writ Petition
No.3189 of 2022. This Court under order dated 21st March 2022 disposed of
the said Writ Petition as the impugned order was the interim order. This Court
directed the Commissioner of Respondent No.1- Corporation to pass final order
on the complaint filed by Respondent No.4 expeditiously and in any event
within 5 weeks.

2 The learned advocate for the Petitioner submits that in spite of the clear order of this Court, the Commissioner of Respondent No.1 has not yet passed final order and on 17th May 2022 however observed that as the writ petition is pending and that the Petitioner is restrained from creating third party interest, no further orders are passed.

3 It appears that the Commissioner of Respondent No.1 has not properly construed the order passed by this Court on 21st March 2022. After the order was passed on 21st March 2022, this Court directed that Respondent No.1 shall report the compliance of the order.

4 The learned advocate for the Respondent – Corporation now submits that the Commissioner would pass final order within a period of six weeks from today.

5 In fact, the Commissioner was required to pass final order within 5 weeks from 21st March 2022.

6 Be that as it may, now the Commissioner of Respondent No.1 Corporation has undertaken to pass final order, we direct the Commissioner to pass final order within a period of four weeks from today. In case, the Commissioner does not pass final order as directed by this Court under order

21st March 2022 in Writ Petition No.3189 of 2022, this Court will have to take serious view of the matter.

7 The Commissioner shall also process the application filed by Petitioner for processing the plans in accordance with law and policy.

8 Parties to appear before the authorities on 01st December 2022.

9 With the aforesaid directions, Writ Petition is disposed of. No order as to costs.

[ARIF S. DOCTOR, J]

[S. V. GANGAPURWALA, J]