

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

WRIT PETITION NO.12464 of 2022

M/s. B.K.S. Galaxy Realtors Pvt. Ltd., .. Petitioner.
v/s.
The Addl. Town Planning
Officer (CIDCO) & Others .. Respondents.

Mr. Suresh Sabrad with Mr. Jeetendra Sachhdev, Mr. Amey Sawant, Mr. Abubakar Patel and Mr. Pratik Sabrad i/b. J S Legal, for the Petitioner.
Mrs. M. P. Thakur, AGP for the Respondent-State.
Mr. G. S. Hegde, for the Respondent-CIDCO.

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**CORAM: S.V. GANGAPURWALA &
S.G. CHAPALGAONKAR, JJ.**
DATED : 8th DECEMBER, 2022.

PC:-

The Petitioner seeks occupancy certificate.

2 We have heard learned Counsel for the Petitioner and Respondents.

3 Reference is made to the order dated 20th January, 2019 in Writ Petition (St.) No.251 of 2020 passed by the coordinate Bench of this Court in similar matter.

4 In light of that, we adopt the same course and pass the similar order.

5 The Respondent Nos.1 and 2 shall consider the application of the Petitioner and grant of occupancy certificate in respect of construction

of Plot Nos.9,10,11,12,13,13A,13B, Sector No.35E, Khargar Node (12.5% scheme), Navi Mumbai on its own merit. The said decision shall be taken preferably within two months from today.

6 In case the Occupancy Certificate is granted in favour of the Petitioner by CIDCO, then the same shall be subject to final outcome of PIL No.154 of 2016 and PIL No.121 and 122 of 2019. It is further made clear that the Petitioner herein or any other person claiming through the Petitioner shall not be entitled to claim any equity in the event the orders in PIL No.154 of 2016 and/or PIL No.121 and 122 of 2019 are adverse to the interest of the Petitioner herein or the person claiming through the Petitioner.

7 We have passed the order in view of the fact that the coordinate Bench has already taken the similar view and decide the matter.

8 Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR,J.)

(S.V.GANGAPURWALA,J.)