

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

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2022.12.05
10:40:55
+0530

WRIT PETITION NO. 14600 OF 2022

M/s. Lucky Enterprises

..... Petitioner

Vs.

CIDCO & Ors.

..... Respondents

Mr.Onkar Gupte for the Petitioner

Mr. Sarthak Diwan for the Respondent CIDCO

**CORAM: S.V.GANGAPURWALA &
S.G.CHAPALGAONKAR, JJ.**

DATED : DECEMBER 1, 2022

P.C.

1 The petitioners seek occupancy certificate.

2 We have heard learned Counsel for the petitioner and the respondents.

3 Reference is made to the order dated January 20, 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 petitioners for grant of occupancy certificate in respect of

construction of Plot No.383, Sector No.17, Ulve, 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 petitioners 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 petitioners herein or any other person claiming through the petitioners 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 petitioners herein or the person claiming through the petitioners.

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

8 The writ petition is disposed of. No costs.

(S.G.CHAPALGAONKAR,J.)

(S.V. GANGAPURWALA, J.)