

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

WRIT PETITION NO.14650 OF 2022

M/s. Shree Sai Homes Builders & Developers

... Petitioner

Vs.

The City and Industrial Development Corporation
of Maharashtra Limited & Ors.

... Respondents

Mr. Onkar Gupte for the Petitioner.

Mr. Abhijit Kulkarni for Respondent Nos.1 to 3-MHADA.

Mrs. Nisha Mehra, AGP for Respondent No.4-State.

**CORAM : S.V. GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATED : 30TH NOVEMBER 2022

PC. :

1. The petitioner seeks occupancy certificate.

2. We have heard learned Counsel for the Petitioner and 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 Petitioner for grant of occupancy certificate in respect of construction of Plot No.169, Sector No.19, 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 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 decided the matter.

8. The Writ Petition is disposed of. No costs.

(ARIF S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)