

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 13 OF 2021
IN
NOTICE OF MOTION (L) NO. 456 OF 2019
IN
WRIT PETITION NO. 3221 OF 2018
WITH
SHOW CAUSE NOTICE NO. 4 OF 2021
IN
CONTEMPT PETITION NO. 13 OF 2021

...

Manoj C. Bokadia .Petitioner

Vs.

The Municipal Corporation of Greater .Respondents
Mumbai & ors.

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Mr. Joaquim Reis, Senior Counsel a/w Mr. Bernardo Reis,
Mr. Pankaj Shinde i/b. Mr. Ashish Suryawanshi, for the Petitioner.
Ms Madhuri More, Advocate, for the Respondent – MCGM
Mrs. Punita Arora a/w Mr. Puneet Arora i/b. M/s. Arora & Co., Advocate, for
the Respondent Nos. 2, 8, 9 & 10.

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**CORAM : A.A. SAYED &
ABHAY AHUJA, JJ.**

DATED : 19 APRIL 2022

P.C.:

The Contempt Petition is filed claiming breach of the Undertaking given in Clause 6 (ii) of the Consent Terms and the order dated 30 August 2019. On 29 March 2022, we had passed the following order:

“ We record the statement of the learned Counsel for the Respondent Nos. 2, 8, 9 & 10 that all the arrears of transit rent shall be cleared by 01.04.2022 and the

Petitioner would be regularly paid the transit rent. Let the Respondent Nos. 2, 8, 9 & 10 file an Affidavit indicating the status of the project. The Affidavit shall contain an undertaking stating that by 31.01.2023, the permanent alternate accommodation shall be handed over to the Petitioner, as stated before us. The said Affidavit be filed within two weeks from today.

2. List the Petition on 19.04.2022 under the caption "For directions".

2. Pursuant to the aforesaid order, Additional Affidavit has been filed by the Respondent No.9 on behalf of Respondent Nos.2, 8, 9 (self) and 10, wherein in paras 3 to 7, it is stated as follows:

"3. As already stated in the said Affidavit, I say that these Respondents are undertaking the redevelopment of all that piece and parcel of land bearing Plot Nos.321, 334, 335 and 336 of Sewri Wadala Estate Scheme No.57 and bearing old C.S.No.578 (part) and 579 (part) and new C.S.No.1040 of Dadar Naigaon Division together with the old structures standing thereon which were fully occupied by tenants/slum dwellers containing both residential premises and commercial premises.

4. I say that these Respondents have already cleared the entire arrears of monthly rent for temporary alternate accommodation payable to the Petitioner until 31st March, 2022. As already stated in

the said Affidavit, I say that the Respondent No.2 Company shall regularly keep paying the monthly rent for temporary alternate accommodation to the Petitioner until the permanent alternative accommodation of the Petitioner is handed over.

5. As already stated in the said Affidavit, I say that the said project involves construction of one composite building having three (33) wings being Wing A and Wing B for having ground plus 23 upper floors each primarily for rehabilitation of residential tenants and few commercial tenants and Wing C comprising of ground plus 40 upper floors for rehabilitation of commercial tenants and free sale premises.

6. I say that these Respondents state that presently the construction work on site is already under progress in full swing and these Respondents have completed the rehabilitation wings A and B and are in the process of applying for OC in respect of the same. I further say that the work on the Wing C which contains the rehabilitation components of the commercial tenants including the Petitioner and the free sale premises have also started and the plinth work is under construction at full swing.

7. I say that the rehabilitation components for the commercial tenants including the Petitioners' permanent alternative accommodation will be ready for handover in January, 2023 and I

undertake to hand over the same to the Petitioner on or before 31st January, 2023.”

3. We accept the statement made by the Respondent No.9 in the aforesaid para 4 as an Undertaking to the Court. We find that there is substantial compliance made by the Respondent No.9.

4. In the circumstances, the Contempt Petition is disposed of. We, however, observe that in the event we find that there is any default by the Respondent Nos.2,8,9 & 10, and the Petitioner is required to approach the Court again, the Court would be inclined to take serious view of the matter.

(ABHAY AHUJA,J.)

(A.A.SAYED, J.)