

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2022.01.14
18:57:33
+0530

WRIT PETITION NO.3278 OF 2021

Diwali Darshan CHS Ltd. & Anr. Petitioners

Vs.

Municipal Corporation of
Greater Mumbai & Ors. Respondents

Mr. Anand Pai a/w. Mr. Suraj Chaudhary, Ms. Vaishnavi
Mudras I/b. Mhatre Law Associates for the Petitioners
Ms. Madhuri More for the Municipal Corporation
Mr. J. S. Yadav for Respondent No.7
Mr. Manoj Pandit for Respondent No.5
Ms. Uma Palsuledesai, AGP for the State

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

**DATED : JANUARY 14, 2022
(VIDEO CONFERENCING)**

P.C.

1 Learned Counsel for Respondent No.7 points out that Respondent No.7 - partnership firm has undergone a change and he will furnish all particulars to the learned Counsel for the Petitioner within three working days from today. We accept the statement. The Petitioner is permitted to amend the Petition to add party Respondents to the Petition. Amendment to be carried out within 2 weeks.

2 The Petition is filed, essentially seeking enforcement of the notice for demolition of the subject building which has been categorized as C-1. Respondent No.1 has filed a contrary structural Audit Report which is stated to have been annexed to the Appeal from Order No.3324 of 2020.

3 In view of the 2018 Guidelines of the Respondent Corporation, the matter is referred to the Technical Advisory Committee (TAC). The TAC shall take appropriate decision in accordance with the 2018 Guidelines of the Respondent Corporation.

4 In the event the decision of TAC maintains the building as C-1 category, the Respondent Corporation shall take appropriate steps to demolish the building in accordance with law, expeditiously.

5 We make it clear that the occupants of the building shall occupy the same at their risk and they alone shall be responsible in the event of any mishap, inasmuch as it is pointed by learned Counsel for the Respondent Corporation that some portion of the building has already been demolished by the Society.

6 The Petition to stand disposed of in the aforesaid terms.

(ABHAY AHUJA, J.)

(A.A.SAYED, J.)