

Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1068 OF 2023

Maverick Developers Dronagiri ...Petitioner
Versus
The City & Industrial Development Corporation ...Respondents
of Maharashtra Ltd & Ors

Mr RD Soni, *with Onkar Gupte, for the Petitioner.*
Mr Akshay R Kulkarni, *i/b Ashutosh Kulkarni, for Respondents Nos.*
1 to 3-CIDCO.

CORAM: G.S. Patel &
Neela Gokhale, JJ.
DATED: 2nd March 2023

PC:-

1. **Rule.** Returnable forthwith. Respondents waive service.

2. An Occupancy Certificate (“OC”) is refused because there is a Public Interest Litigation (“PIL”) pending. Previously the Court had granted conditional protective orders. One such order is of 29th January 2020. A similar order, more recently passed, is of 22nd December 2022. This is in Writ Petition No. 15781 of 2022. Paragraph 3 sets out that the reason for the refusal of the OC is the same. Previous Courts have directed the authorities to grant the OC

on merits within two months subject to the final outcome of PIL Nos. 154 of 2016, 121 of 2019 and 122 of 2019.

3. We pass the same order in this Petition.

4. The City and Industrial Development Corporation (“CIDCO”) is to consider the application of the Petitioners for an OC in respect of the property that is the subject matter of the Writ Petition within two months from today. The Commencement Certificate (“CC”) as amended periodically is the one that will be taken into account for this purpose (i.e., not the original CC).

5. If the OC is granted in favour of the Petitioners, it will be subject to the final outcome of these PILs. Neither the Petitioners nor any persons claiming through them will claim any equities if the orders in the PILs are adverse to the interests of the Petitioners or any person(s) claiming through the Petitioners. This order is necessary because benches of co-ordinate strength have taken similar views.

6. The Writ Petition is disposed of in these terms with no orders as to cost. Rule is made absolute in these terms.

(Neela Gokhale, J)

(G. S. Patel, J)

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