

Gaikwad RD

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2014 OF 2023**

Bhagwati Developers & Anr	...Petitioners
<i>Versus</i>	
The City & Industrial Development Corporation of Maharashtra Ltd & Ors	...Respondents

Mr RD Soni, *with Vipin R Kasle, Siddharth Karpe & Akshay Shinde,
i/b Ram & Co, for the Petitioners.*

Mr Akshay R Kulkarni, *i/b Ashutosh Kulkarni, for the Respondents
Nos.1 to 4/CIDCO.*

**CORAM: G.S. Patel &
Neela Gokhale, JJ.**

DATED: 28th February 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 to be found at page 100. It is of 29th January 2020. A similar order, more recently passed, is of 22nd December 2022, a copy of which is at page 112. 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 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 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 PIL 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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signed by
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