

“[A] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ, direction and order under Articles 226 of the Constitution of India, 1950, declaring the action of withholding of

Completion Certificate and Occupancy Certificate to the Petitioners' two buildings as mentioned in para 2 of the memo of the Writ Petition, despite the completion of two buildings in all respect, as illegal and bad in law.

[B] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ, direction and order under Articles 226 of the Constitution of India, 1950, directing the Respondent-PMRDA, to issue Completion Certificate and Occupancy Certificate immediately in any case within a period of 4 weeks.

3. Mr. Sukhdeo, learned counsel for the respondent nos. 2 and 3 has placed on record reply affidavit on behalf of the respondent nos. 2 and 3 of Sunil Marale, Joint Director, Town Planning cum Metropolitan Planner, PMRDA. Annexed to the said affidavit is a communication dated 14 November 2022 issued by the Commissioner and Chief Executor Officer of the PMRDA to the petitioner setting out the following compliance to be achieved by the petitioner, so as to be eligible for an occupation certificate:

“(Official Translation of a photocopy of the operative Order typewritten in Marathi)

ORDER

4) The Developer and the Architect are required to give self-explanatory clarification about availability of potable water and water for other usages and also about drainage line connection.

5) The internal approach road between Building ‘A’ to Building ‘D’ shall be concretised.

6) In this matter, the final approval to the Applicant’s proposal for getting part occupation certificate, approved in-principle, shall be granted after the same is re- submitted on compliance of all the required things as per the rules.”

4. Insofar as these compliances are concerned, Mr. Phatak, learned counsel for the petitioner has drawn our attention to a letter of the petitioner dated 16 November 2022 addressed to the respondent nos.

2 and 3 setting out the part compliances. Mr. Phatak would submit that in filing the present affidavit as tendered by Mr. Sukhdeo such part compliances as made by the petitioner had not been taken into consideration. Mr. Phatak, however, has fairly stated that the compliance in regard to the concerning of the road from Building A to Building B remains to be undertaken and the same shall be completed within a period of four weeks from today.

5. In the facts and circumstances of the case, we are of the opinion that it is appropriate that all the compliances be undertaken by the petitioner within four weeks from today. The said compliances be inspected by the concerned officials of the PMRDA after an intimation of the compliances is received from the petitioner, which according to the petitioner shall be issued within a period of five weeks from today. After examining all the compliances and if the compliances meet the requirements of the rules and regulations, the PMRDA shall proceed to issue an occupation certificate to the petitioner. All contentions in that regard are kept expressly open.

6. Petition stands disposed of in the above terms, liberty to apply. No costs.

7. At this stage, we clarify that we have not examined any other issues. In the event, there is non-compliance of any rules or illegality on the part of the petitioner, the concerned authorities are free to take appropriate action in that regard as may be permissible in law.

[R. N. LADDHA, J.]

[G. S. KULKARNI, J.]