

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 833 OF 2023
IN
NOTICE OF MOTION NO. 3214 OF 2023
IN
NOTICE OF MOTION N. 1085 OF 2019
IN
L.C. SUIT NO. 616 OF 2019
WITH
INTERIM APPLICATION NO. 16083 OF 2023

Bharat Mehta & Ors.

...Appellant
(Orig.Plaintiff)

V/s.

M.C.G.M. and Ors.

....Respondents
(Orig.Defendants)

Mr. Sameer Tendulkar, for the Appellant

Mrs. Smita Tondwalkar , for the Respondent-M.C.G.M.

Mr. Vishal Mhaiskar, A.E. (B & F), N Ward present.

Mr. Jitu Gohil, J.E. (B & F), N Ward present.

CORAM : SANDEEP V. MARNE, J.

Dated : 9 October 2023.

P.C. :

1. Mr. Tendulkar, the learned counsel appearing for the Appellants would submit that the first floor of the building has been vacated in the year 2018 but has not yet been demolished. That the Appellants are residing in the ground floor portion of the building which is otherwise safe. It appears that the Technical Advisory Committee (TAC) has already opined by its report dated 21 August 2023 that the entire building needs to be demolished.

2. Mr. Tendulkar would submit that the Appellants have already executed agreements with the Developer for allotment of Permanent Alternate Accommodations. In that view of the matter, no relief can otherwise be granted in favour of the Appellants. He however submits that though AAAs are executed with the Developer, the transit rent is payable only after issuance of the Intimation of Disapproval (IOD). He would further submit that there are some issues in grant of IOD on account of objections taken by the Naval Authorities. In these circumstances, he would submit that the Appellants will have to vacate the premises without receipt of any transit rent for indefinite period of time. He would therefore request for time to vacate the suit structures. He would submit that the Municipal Corporation has disconnected the water supply and electricity connection of the building.

3. Mr. Tendulkar, after taking instructions from his clients, who are present in the Court, seeks leave to withdraw the Appeal. He

however prays for six months time to vacate the suit structures. Appellants to file an Undertaking before this Court within a period of one week from today that their occupation of the suit structures will be entirely at their own risk and that no other person/entity including the Municipal Corporation shall be held responsible in the event of occurrence of any untoward incident.

4. Subject to filing of such Undertakings, Appellants are permitted to occupy the suit structure for a period of six months from today.

5. The Municipal Corporation shall reconnect the electricity and water supply to the building within a period of four days from today.

6. With the above directions, the Appeal is **disposed of**.

SANDEEP V. MARNE, J.

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