

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 513 OF 2023
IN
WRIT PETITION NO. 1550 OF 2022**

Krishna Kumar Bhopayya & Ors	...Applicants
<i>In the matter between</i>	
Krishna Kumar Bhopayya & Ors	...Petitioners
<i>Versus</i>	
Mumbai Building Repair and Reconstruction Board & Ors	...Respondents

Mr Yazad Udwadia, i/b DM Legal Associates, for the Petitioners.
Mr Akshay Shinde, for Respondent Nos. 1 & 2.
Mr Arif Bookwala, Senior Advocate, with Prashant Ghelani, Bhuvan Singh, Ankur Kalal, i/b Markand Gandhi & Co, for Respondent No. 5.

**CORAM G. S. Patel &
 Neela Gokhale, JJ.**
DATED: 1st August 2023

PC:-

1. As we have noted in the previous orders, the developer has brought into Court an amount of Rs. 3.30 crores. It is open to the

Petitioners to withdraw this amount, but the withdrawal will be against a list furnished to the Prothonotary and Senior Master showing the entitlement of each Petitioner, and separate withdrawals will be made by each Petitioner according to that list.

2. Mr Bookwala, learned advocate for the 5th Respondent, states that the building has an occupancy certificate. All amenities such as water, power and lifts have been installed. He agrees that there may be minor rectification works and states on instructions that these will be attended to by 15th August 2023. The Petitioners must take possession by 15th August 2023. Their entitlement to transit rent cannot and will not continue beyond 15th August 2023. No Petitioner is at liberty in this Writ Petition to state that possession is being refused on account of some minor rectification works.

3. It is open to the Petitioners to communicate directly with the developer or through their advocates for completion of these rectification works.

4. As regards any additional claim for unpaid transit rent (over and above the withdrawal of the amounts deposited), the Petitioners are at liberty to adopt appropriate civil proceedings in that regard since that would be a simple money claim.

5. The Petition is disposed of in these terms with no order as to costs. In view of disposal of Petition, Interim Application No. 513 of 2023 also stands disposed of.

6. Now that the question of the rehab building and its occupancy has been completed, the Municipal Corporation of Greater Mumbai will expeditiously process the application for an occupancy certificate for the free sale building.

(Neela Gokhale, J)

(G. S. Patel, J)

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