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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

VASANT
ANANDRAO
IDHOL

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WRIT PETITION NO.2147 OF 2023

Ekta Housing Pvt. Ltd. & Anr.

...Petitioners

V/s.

The Municipal Corporation of Gr. Mumbai & Ors.

...Respondents

Mr.Karl Tamboly with Mr.Dhiren Durante, Ms.Ruchi Magoo and
Mr.Sahil Nanavati i/b Lexicon Law Partners for the Petitioners.

Mr.Sukanta A. Karmakar, AGP for the Respondent – State.

Ms.Pooja Yadav for the Respondent – Corporation.

CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.
DATE : 9TH AUGUST, 2023.

P.C. :-

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsel for the parties.
2. Learned counsel for the Petitioners submits that the demand notice issued to the Petitioners claiming various payments on the ground that there has been short recovery of those payments is illegal, as the calculations of short payments made by the Corporation are based upon the presumption that the building of the Petitioners falls under Zone 26/158 and whereas the reality is that Zone of the building of the Petitioners is 23/142 for CTS No.625/1. He

further submits that a representation made in this regard to the Corporation on 4th July, 2019 has been ignored and no decision there upon has been taken by the Corporation.

3. We are of the view that the purpose of the Petition shall stand served if appropriate directions is issued to the Corporation.

4. The Petition is partly allowed. Respondent No.2 is directed to decide the representation preferably within six weeks from the date of appearance of the Petitioners before Respondent No.2. Till the decision is given, no coercive action shall be taken against the Petitioners and also for a further period of two weeks if the decision is adverse to the Petitioners. If required, Respondent No.2 may obtain list of Zones from Respondent No.3.

5. The Petitioners are permitted to file written submissions before Respondent No.2 and personal hearing shall be granted to the Petitioners.

6. Rule is made absolute in the above terms. No costs.

7. Parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)