

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**998 CONT. PETITION NO. 596 OF 2021
IN WP/7516/2021**

1. NARESH MADANLAL GUPTA
2. PRAFULLA OMPRAKASH ANANTWAR
VERSUS
SUNIL L. LAHANE AND OTHERS

...
Advocate for the Petitioner : Mr. A.A. Joshi
h/f. Mr. Sharad V. Natu
AGP for Respondent Nos. 1 & 2 : Mr. R.K. Ingole Patil
Advocate for Respondent No. 3 : Mr. Dhananjay M. Shinde
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 16 JANUARY 2024

PER COURT :

Heard both the sides.

2. The separate Writ Petitions of both these petitioners were disposed of by common order dated 27 August 2021.

3. The petitioners were occupying some shops from the building owned by the respondent – Municipal Corporation. It had proposed to redevelop it with private public partnership. They were hoping to get a shop in the redeveloped premises. Considering all the aspects, this Court had disposed of the writ petitions with following observations in paragraph nos. 3 to 7 :

“3. The petitioners it appears were running their business on lease basis at Shri Venkatrao Tarodekar Market at

Vazirabad Chowk, Nanded. Shops were allotted to the petitioners and/or their predecessors. The respondent No. 2 resolved to redevelop the premises of Shri Venkatrao Tarodekar Market on the basis of public private partnership. The petitioners, it appear were assured of rehabilitation and providing the shops in the same premises which is to be constructed. The tender document provide for following clause.

3.9.2 Bidder shall be allowed to develop the FBT projects as per their design (Alternative Design) subject to the Development Control Regulations of NWCMS and the approval of Commissioner. However, the bidder shall have to provide rehabilitation component with following minimum requirements / facilities. This requirement is indicative & subject to the approval of NWCMC.

A. The requirements of the Rehabilitation Component.

1. Basement Parking space of 520.00 Sqmt.

2. Shops on Ground Floow with total build-up area of 577.00 Sq. mt. (Retail shopping blocks with 15 shops, Vegetable market blocks with 42 shops)

3. Separate entry and exists are to be provided for the vegetable market and the retail shopping area.

4. Perusal of the same, it is manifest that, the corporation has agreed to hand over shops on ground floor with total

build-up area of 577 sq. m. retail shopping blocks with 15 shops, vegetable market blocks with 42 shops.

5. *Certainly, the petitioners would be entitled to the shops as per the assurance given by the corporation and appearing in the tender document.*

6. *The learned counsel for the respondent / corporation on instructions has submitted that the shops with total build-up area of 577 sq. m. retail shopping blocks with 15 shops, vegetable market blocks with 42 shops on ground floor shall be given to all deserving persons.*

7. *In the light of the said statement made, the grievance of the petitioners may not subsist. The writ petitions accordingly are disposed of. No costs."*

4. As can be noticed from the affidavit-in-reply and as has been submitted by the learned Advocate for the respondent no. 3, the petitioners have been allotted shops. Petitioner no. 1 has been allotted shop no. 3 and petitioner no. 2 has been allotted shop nos. 1 and 2 from the ground floor. The above directions merely obliged the Corporation to ensure that the petitioners were allotted the shops in the redeveloped building from the ground floor. There was no specific direction either in respect of the location or direction of the shops to be allotted.

5. When admittedly the petitioners have been allotted the shops from the ground floor which was the only obligation for the

Corporation pursuant to the directions contained in the order, we see no disobedience of the directions of this Court much less willful.

6. Contempt Petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]