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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.192 OF 2024

UMIYA BUILDERS AND DEVELOPERS
THR AUTH. SIG. SURENDRA NAIK

... Petitioner

Versus

THE MORMUGAO PLANNING AND
DEVELOPMENT AUTHORITY THR
ITS MEMBER SECRETARY AND ANR.

... Respondents

Mr Abhijeet Kamat, Advocate for the Petitioner.

Mr Nikhil Pai, Advocate for Respondent No.1.

Mr Pravin Faldessai, Deputy Solicitor General of India for
Respondent No.2.

**CORAM: M.S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED: 27th August, 2024

P.C.:

1. Heard learned Counsel for the Petitioner.
2. It is not necessary to state the facts in detail. Suffice it to observe that the building in question is authorized. In the said building, there was a single shop premises on the ground floor admeasuring 364.30 sq. mts. The Petitioner who is the owner of the shop wanted to sub-divide the said shop into 5 separate shops being Shop Nos.5A, 5B, 5C, 5D and 5E by constructing internal walls. The Respondent No.1 is not sanctioning the revised plan for internal changes for want of NOC from Respondent No.2.

3. Deputy Solicitor General of India Shri Faldessai appearing for Respondent No.2 submitted that such NOC in the present facts was not required as the changes effected were internal changes without any change in the height, dimensions or to the external façade of the building. This was communicated to the Petitioner on 29.11.2023.

4. Learned Counsel for Respondent No.1 MPDA, on instructions, submitted that if the Petitioner is adhering to what is stated in para 22 of the petition and if there are no changes or alterations or modifications in the height, dimensions or the external façade of the building, Respondent No.1 will consider granting sanction to the revised plans within a period of six weeks from today in accordance with the regulations without insisting for the NOC from the Respondent No.2. Recording the assurance of the Respondent No.1, the petition is disposed off. No costs.

VALMIKI MENEZES, J.

M.S. KARNIK, J.