

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1866 OF 2024
IN
APPEAL FROM ORDER NO.1049 OF 2023**

Amool Shivaji Rokade
V/S

....Applicant

Tarun Mahendra Patel & Ors.

....Respondents

Mr. Rohan Cama a/w Mr. Vishal Dushing, Mr. Vaibhav Salvi, Mr. Ashwet Bhoir *for the Appellant/Applicant.*

Mr. Mayur Khandeparkar a/w Mr. Mehul A. Shah *for Respondent Nos.1 and 2.*

Mr. Anand Khairnar *for Respondent Nos.3 and 4-MCGM.*

Ms. Zenobia Irani *for Respondent No.7.*

CORAM: SANDEEP V. MARNE, J.

DATE : 10 APRIL 2024.

P.C.:

1 This Interim Application is filed seeking modification of order dated 20 December 2023 passed by this Court.

2 It is pointed out that in the plan placed before this Court at the time of disposal of the Appeal from Order on 20 December 2023 the location of Permanent Alternate Accommodation (PAA) was indicated at ground floor. This Court disposed of the Appeal from Order by taking on record the said plan. Now it is pointed out by the Appellant/Developer that due to planning constraints, it is not possible to allot the entire 2500 square feet area of rehab component to the

Respondents on the ground floor and that the Appellant is willing to allot Permanent Alternate Accommodation admeasuring 2500 square feet area of rehab component to the Respondents on ground and first floor. Accordingly copies of ground and first floor plans are placed on record. The said plans show that Appellant would allot to the Respondents area admeasuring 1122 square feet on ground floor and area admeasuring 1380 square feet on the first floor. The said plans are taken on record and together marked as 'Y' for identification. Accordingly, paragraph 5(ii) of the order dated 20 December 2023 shall stand modified to the extent that the entitlement of the Respondents for grant of Permanent Alternate Accommodation shall be in accordance with the plans taken on record today and marked 'Y' for identification.

3 It appears that there is some issue between the parties with regard to the registration of Permanent Alternate Accommodation Agreement (PAAA). The Appellant desires to execute PAAA on payment of stamp duty of Rs.500/- and is willing to give an undertaking to this Court that in the event of demand for deficient stamp duty by the Registering Authority, the Appellant shall forthwith pay such deficient amount of stamp duty. The statement is accepted and recorded accordingly. The PAAA shall be registered in an expeditious manner in any case within four months of execution thereof.

4 Appellant undertakes that the height of 12 feet between ground floor and the first floor would be maintained. The Appellant further undertakes that while seeking sanction of the Municipal Corporation for construction of the building, no deviation shall be made qua the premises to be allotted to the Respondents shown in a plan marked 'Y' and that he shall secure permission from the Municipal Corporation to the premises as indicated in plan 'Y'. Parties agree that

they shall execute PAAA on or before 12 April 2024. The Respondents shall accordingly vacate the premises in their occupation on or before 26 April 2024.

With the above clarification, the Interim Application is disposed of.

(SANDEEP V. MARNE, J.)

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signed by
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KATKAM
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