

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Appeal from Order No.13 of 2021

a/w

Interim Application No.110 of 2021

in

Appeal from Order No.13 of 2021

Vinodbhai P. Shah & Ors. ... Appellants.

Vs.

Municipal Corporation
of Greater Mumbai & Anr. Respondents.

...

Dr Nilesh VB Pawaskar a/w Ms AD Vhatkar and Mr RK Modgekar
for appellants.

Mr Dharmesh Vyas a/w Ms Smita Tondwalkar for respondent
No.1/corporation.

Mr Zain Mookhi a/w Aditya Kanchan i/by Lakshyavedhi Legal for
respondent No.2.

Coram : R. N. Laddha, J.

Date : 24 April 2024.

P.C. :

Learned Counsel for respondent No.2 tendered a
compilation of documents which is taken on record and marked 'X'
for identification.

2. Heard learned Counsel for the parties. The appellant expresses dissatisfaction with the report dated 01.11.2019 issued by the Technical Advisory Committee (for short, 'TAC'). The appellant contends that the TAC report lacks reasoning, despite acknowledging deficiencies in the structural audit reports carried out at the behest of the respective parties. Surprisingly, the TAC report hastily concluded that the structure is in a dilapidated state and categorised it as 'C-1', without providing any reason.

3. Upon reviewing of the TAC report, it becomes evident that the TAC identified deficiencies in the structural audit reports. However, without offering any rationale, the Committee swiftly arrived at the conclusion that the structure is in dilapidated condition and categorised it as 'C-1'.

4. In light of the above, the TAC shall arrive at a fresh decision by providing reasons, in accordance with law, within two weeks from the date of uploading of this order. Until then, there shall be a stay to the TAC report dated 01.11.2019.

5. In the event of any untoward incident of a collapse, the

appellants shall not hold the Municipal Corporation or any of its Officers or the State Government, as also the landlords, liable for any consequences.

6. If the occasion so arises, the parties are at liberty to seek appropriate legal remedies available in law.

7. The appeal from order is disposed of accordingly. As a sequel, the pending application also stands disposed of.

[R. N. Laddha, J.]