

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7503 OF 2023

Mantra Residents LLP Office Add T4 & Ors ...Petitioners
Versus
Pune Metropolitan Region Development
Through Metropolitan Commissioner & Ors ...Respondents

Mr Sattyendra Muley, with Pranav Dhakne, for the Petitioner.
Mrs MP Thakur, AGP, for Respondent No3-State.
Mr Rohit Sakhdeo, for Respondent No 1-PMRDA.
Mr Santaram Tarale, for Respondent No 2.
Mr Suryakant Chaudhary, with Prashant Aher, Vipul Patil, for
Respondent Nos 6 to 9.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 24th January 2024

PC:-

1. The Petition is filed by a developer groups, apparently for the benefit of Respondents Nos 6 to 15, all societies whose buildings have been constructed by the Petitioner. The prayer in the Petition is for a direction to Respondent No 1, the Pune Metropolitan Region Development Authority (“PMRDA”), or the two Gram Panchayats, i.e., Respondents Nos 4 and 5, or all of them to supply drinking water to the building societies. There is an Affidavit in Reply by the PMRDA and another Affidavit in Reply by Respondent

No 2, the Zilla Parishad Pune. These Affidavits in summary point out that the Petitioner developers were told from the very beginning that water supply was not guaranteed immediately, i.e., during construction and after completion to occupants. The developers accepted this more than once. There are two undertakings and there is a specific condition that is already available on record. Specifically, the Petitioners agreed that the demand of the occupants would be fulfilled by the developers and the cost would be borne by them.

2. The submission of the Petitioners is that this cannot continue indefinitely. It is simply answered by noting the submission on behalf of the 1st and 2nd Respondents that a water supply scheme has been proposed by the Maharashtra Jeevan Pradhikaran. Work is in progress. We are told that 50% of the work has been done and the balance is expected to be completed by December 2024. This work involves storage facilities, drinking water supply and sufficient pipelines to ensure the supply of water to all including these buildings. The project covers 18 villages and the project cost is in excess of Rs 100 crores.

3. We do not think that it is reasonable for the Petitioners, having regard to their undertakings and to the express terms on which they obtained permission, to now claim an exemption from their obligations to the societies. The societies may be correct in saying that there can be no stoppage of drinking water supply by the Petitioner developers until official/municipal water supply is provided. We do not see how the Petitioners can possibly say that they are not bound to fulfil or adhere to the terms of their specific

undertakings to the public authorities and will discontinue supplying water, which they have been doing at their cost. That was an obligation that they specifically undertook. It cannot be unilaterally waived or dispensed with the at the cost of the societies. The Petitioners must adhere to those conditions until water supply by the Authorities is made available.

4. If there is any controversy between the developers and the societies, that is not a matter of public law, and those disputes cannot be entertained in our writ jurisdiction. We have not examined any such inter se disputes on merits.

5. No further orders are required. The Petition is disposed of in these terms.

(Kamal Khata, J)

(G. S. Patel, J)