

Wadhwa

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 823 OF 2024**

Runwal Paradise Row Houses Co-op Hsg Society ...Petitioner
Ltd

Versus

Pune Municipal Corporation & Ors ...Respondents

**Mr Anil Anturkar, Senior Advocate, with Shubham Misar, for the
Petitioner.**

Mr RM Pethe, for Respondent Nos. 1 to 3.

**Mr Sachin Mandlik, with Sayali Phansikar, i/b Mandlik & Partners,
for Respondent No. 4.**

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**

DATED: 16th July 2024

PC:-

1. After the matter was argued for some time, the learned counsel for the parties submit that this Petition can be disposed of by making the following agreed order:

(a) In the context of Condition No. 3 in Pune Municipal Corporation's (PMC) notice dated 28th March 2022, the College of Engineering Pune (COEP) will depute its officials at the site, inspect the site, take samples etc. necessary for preparation of a Slope

Stabilization report. The inspection will be carried out in the presence of the local residents of the Petitioner Society (Paradise Society) and the representative of the 4th Respondent. Such inspection should be carried out on 23rd July 2024 at 11:00 am onwards.

(b) The COEP must furnish its report to the PMC, Petitioner's Society and the 4th Respondent latest by 6th August 2024.

(c) The 4th Respondent will abide by the requirements set out in such a report, unless, the 4th Respondent, is aggrieved by any such conditions and wishes to challenge the same.

(d) Until such report is prepared and furnished by COEP and the 4th Respondent complies with the requirements therein, or if the requirements are modified by COEP or a Court, then such modified requirements, the 4th Respondent will not undertake any construction at the site. The construction can commence only after the requirements/ modified requirements are complied with and certified as complied with by the PMC.

(e) However, this will not prevent the 4th Respondent from undertaking the works for complying with the requirements set out in the COEP report or the modified requirements.

(f) Once the requirements in the new COEP report or modified requirements are complied with, 4th Respondent should write to the PMC giving full particulars about the compliance. Within a week

from the receipt of such a compliance report, the PMC should inspect the site and on being satisfied about the compliance, permit the 4th Respondent to continue with the construction. The PMC must not delay the inspection and giving of the clearance to continue with the construction on being satisfied with the compliance.

2. The Petition is disposed in the above terms. All concerned must act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)