

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

**WRIT PETITION NO. 11094 OF 2022
WITH
INTERIM APPLICATION NO. 6320 OF 2024**

Mangilal Premraj Mistry ...Petitioner
Versus
Apex Grievance Redressal
Committee Government of Maharashtra & Ors. ...Respondents

**WRIT PETITION NO. 11230 OF 2022
WITH
INTERIM APPLICATION NO. 6321 OF 2024**

Amrit Premraj Mistry ...Petitioner
Versus
Apex Grievance Redressal Committee,
Government of Maharashtra & Ors. ...Respondents

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Mr. Altaf Khan a/w Mr. Mohan Chavan, for the Petitioners in WP No.11094/2022 and WP No.11230/2022.

Mr. Atul Damle, Senior Advocate a/w Ms. Payal Vardhan i/by Mr. Akash Gupta for Respondent No.3.

Mr. Jagdish G. Aradwad (Reddy) for Respondent No.1 -AGRC in both Petitions.

Mr. Girish Utangale a/w Mr. Saurabh Utangale and Mr. Vedant Joshi i/by M/s. Utangale and Co. for Respondent No.2 – SRA in WP No.11230 of 2022.

Mr. Amogh Singh i/by Mr. Jeet Gandhi for the Intervenor.

Ms. V.R. Raje, A.G.P. for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 16th JULY 2024

P.C.:

WRIT PETITION NO. 11094 of 2022

1. The learned counsel for the petitioner upon instructions of the petitioner, who is present in the Court, submits, that the same benefit, which has been granted to the petitioner in Writ Petition 11213 of 2022 by the order dated 11.07.2024, in view of what has been recorded in paragraphs 4 and 5 be extended to the petitioner and petitioner would vacate the commercial structure No. F-5 by 15.08.2024. Paragraphs 4 & 5 in the order dated 11.07.2024 read as under :

“ 4. There is a new Developer in place of M/s.Om Omega Shelters viz. M/s.Anantaya Buildcom LLP (page 157), who as stated by Mr.Damle, learned senior counsel for the respondent No.5, would be liable to pay the rent for the alternate premises for the transitory period and it is assured that the petitioners, would be paid the rent accordingly.

5. Any claim for an additional entitlement over and above what the petitioners are statutorily entitled, would be the matter between respondent No.5 and the petitioners to be negotiated between them with which the SRA is not concerned. The plea of quantum of rent and the period for which the petitioners would be entitled is kept open. It is based upon what has been recorded above that Mr.Vikramjit Garewal, learned counsel for the petitioners in WP No.11213 of 2022 was asked to indicate the date on which the premises would be vacated

and handed over to the Developer, he is unable to make a statement in this regard, today.

2. Learned counsel for the petitioner in Writ Petition No.11094 of 2022 has tendered across the bar an undertaking dated 18.07.2024, which is taken on record and marked “X” for the purpose of identification, by which the petitioner Mr.Mangilal Premraj Mistry has undertaken unconditionally to hand over vacant and peaceful possession of the premises being Room No. F-5, admeasuring 387 Sq.Ft as described in paragraph 1 therein, to the respondent-SRA on or before 15.08.2024. The undertaking is accepted as an undertaking to this Court.

3. He further submits, that since these are commercial premises and since the Competent Authority in the order dated 15.09.2021 has not decided the aspect about providing alternate commercial premises on the ground floors on the proposed SRA Scheme, he will make a representation, who shall without being influenced by what has been said in the earlier orders, prior to the date, shall consider the request and decide in terms of the scheme which is sought to be developed. This proposal is to be acceptable to Mr.Girish Utangale,the learned counsel for SRA. It

is therefore, directed that the petitioner shall make appropriate application to SRA for granting them alternate permanent accommodation, as far as possible on the ground floor of the proposed scheme, which application shall be decided by the SRA by considering all the relevant factors.

4. The petition is therefore disposed off in terms of the order dated 12.07.2024 and the undertaking at “X”. It is made clear, that if the petitioner does not vacate the premises by 15.08.2024, the respondent - SRA would be entitled to evict and take possession of room No.F-5 and implement the scheme. No order as to costs.

5. In view of disposal of Writ Petition No.11094 of 2022, Interim Application No.6320 of 2024 does not survive and stands disposed off.

WRIT PETITION NO. 11230 OF 2022

6. List this petition along with Interim Application on 23rd July 2024.

(AVINASH G. GHAROTE, J.)