

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11093 OF 2022
WITH
INTERIM APPLICATION NO. 6322 OF 2024

M/s Shree Sadguru And Deluxe Jv. ... Applicant

In the matter between :

Mr. Ganesh Bhimappa Pungi ...Petitioner

Versus

Apex Grievance Redressal Committee (S.R.A.) ...Respondents

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Mr. Jagdish J. Singh, for the Petitioner in WP/11093/2022.

Mr. Atul Damle, Senior Advocate, with Ms. Payal Vardhan, i/b
Akash Gupta, for Respondent No.4.

Mr. Jagdish G. Aradwad (Reddy), for Respondent-AGRC.

Mr. Anil Singh, Senior Advocate, Mr. Amogh Singh, Mr. Adarsh
Vyas and Mr. Akash Gupta, i/b Jeet Gandhi, for the Intervenor.
SRA's CEO, present in person.

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

CORAM : AVINASH G. GHAROTE, J.
DATE : 12th JULY 2024

P.C.:

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 3, 4 and 5 be extended to the petitioner and petitioner would vacate the commercial structure No. F-7 by 15.08.2024. Paragraphs 3, 4 & 5 in the order dated 11.07.2024 read as under:

“ 3. Dr.Birendra Saraf, the learned senior counsel for the respondent No.3 makes a statement that the interest of the petitioner, would be protected to the extent of statutory limit upto 225 sq. ft. The statement is accepted as to the statement to the Court.

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.11093 of 2022 has tendered across the bar an affidavit dated 11.07.2024, which is taken on record and marked “X” for the purpose of identification, by which the petitioner Mr.Ganesh Bhimappa Pungi has undertaken unconditionally to hand over vacant and peaceful possession of the premises being Room No. F-7, as described in paragraph 1 therein, to the respondent No.3 which is 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 11.07.2024 and the undertaking at “X”. It is made clear, that if the petitioner does not vacate the premises by 15.08.2024, the respondent No.3 would be entitled to evict and take possession of room No.F-7 and implement the scheme. No order as to costs. All interim applications are accordingly disposed off.

(AVINASH G. GHAROTE, J.)