

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 583 OF 2024

Kamath Brothers (Dwarka) & Ors ...Petitioners
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
& Ors

Mr Simil Purohit, *with Rajesh Shah, Vishal Raman & Rutwik Bapat,*
i/b Parisha Shah, for the Petitioners.

Mr Yashodeep Deshmukh, *with Gurubala Birajdar, i/b Vinod*
Sangivkar, for Respondent No. 4.

Ms Meena Dhuri, *for the Respondent-BMC.*

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

DATED: 28th June 2024

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1. Heard learned Counsel for the parties.

2. This is a matter where the Court was called upon to devote considerable judicial time to only ensuring that the owner submits the necessary documents to the Brihanmumbai Municipal Corporation (“BMC”).

3. Today, Mr Deshmukh, based on instructions from the owner makes a statement that all the necessary documents for obtaining

repair permission have been submitted to BMC. The learned Counsel for the Respondent BMC is not sure whether this statement is correct. However, for the present, we go by the statement made by Mr Deshmukh based on instructions from the owner.

4. The BMC must verify whether all documents have been submitted or not. In case all necessary documents have not been submitted, the BMC must write to the Petitioners and the owner by 5th July 2024 specifying which of the documents remain to be submitted. If the statement now made on behalf of the owner is found to be incorrect, we grant liberty to the Petitioner to take out appropriate proceedings for redressal of the Petitioner's grievances.

5. In our order dated 22nd March 2024, we had given a schedule within which the owner's application for repair permission would be processed and finally disposed of. Now we direct that this application for repair permission must be disposed of by the BMC following law on or before 9th August 2024. The final decision in this regard must be communicated by 9th August 2024 to the parties.

6. The Petitioner's apprehension in this Petition was that the owner was not serious about undertaking the repairs and therefore was delaying the application for repair permission.

7. Mr Purohit now submits that it is likely that the owner has submitted incomplete documents and will not seriously pursue the

issue of repair permission, so that, their agony is further prolonged. He submitted that since the owner is not quite serious about repairing the premises, leave should be granted to the Petitioner to undertake repairs after obtaining permission from BMC.

8. Now that a solemn statement is made before us on behalf of the owner that requisite documents have been furnished, we must await the response of the BMC. If the repair permission is granted by the BMC on or before 9th August 2024, we expect the owner to proceed with the repair works and complete the same expeditiously.

9. However, if the apprehensions expressed by Mr. Purohit are found to be correct, liberty is granted to the Petitioners to take out fresh proceedings to renew their request in this Petition or request for them be permitted to undertake the repairs so that their agony is not prolonged any further.

10. By granting the Petitioners liberty in the above terms, we dispose of this Petition. There will be no order for costs.

11. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)