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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2705 OF 2024

Kishor Khimaji Parmar and ors. ...Petitioners
Versus
Municipal Corporation of Greater Mumbai and ...Respondents
ors.

Mr. Amogh Singh, *i/b. Adv. Jeet Gandhi, for the Petitioners.*
Mr. A. Y. Sakhare, *Senior Advocate, a/w Mr. Anoop Patil, Ms. S.*
Tondwalkar, for the Respondent-BMC.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 24th July 2024

PC:-

1. Heard learned counsel for the parties.
2. By our order dated 31st January 2024, we had recorded the statement on behalf of the Municipal Corporation of Greater Mumbai ("MCGM") that compensation of Rs.4,58,53,255.10 would be paid by the MCGM to the Petitioners. Mr. Amogh Singh, learned counsel for the Petitioners submits that the above compensation has been paid by making a deduction of 10%. Mr. A. Y. Sakhare, learned Senior Advocate submits that this was a deduction of Tax Deducted at Source ("TDS").

3. Mr. Singh submits that the Petitioners should be granted liberty to apply to the MCGM for acquisition of the balance portion occupied by the Petitioners or in any case, the MCGM should be directed to grant the Petitioners permissions to construct in the balance portion. He submits that even the deduction of 10% towards TDS was not correct because the compensation was towards acquisition of the Petitioners' property.

4. At this stage, we cannot issue directions as are sought for by Mr. Singh on behalf of the Petitioners. However, the Petitioners are at liberty to apply to the MCGM for acquisition of the balance portion and/or for permissions to construct on the balance portion. If such applications are made, the MCGM should decide such applications in accordance with law and on their own merits within two months of the making of such applications. Similarly, even the issue of deduction of TDS on the compensation amount is kept open, and the Petitioners are free to agitate this issue before the appropriate forum.

5. Now that our order dated 31st January 2024 stands substantially complied with, we dispose of this Writ Petition by granting the Petitioners the above liberties.

(Kamal Khata, J)

(M.S. Sonak, J)