



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 63 OF 2024
IN
WRIT PETITION NO. 2856 OF 2018

Baba Homes Builders and Developers ...Petitioner
Versus
Hemant Narayan Desai and ors. ...Respondents

Mr R. K. Mendadkar, *a/w Ms Komal Gaikwad, for the
Petitioner.*

Ms Chaitalee Deochake, *i/b. Mr S. K. Sonawane, for the
Respondent-BMC.*

Mr Vijay Singh, *a/w Mr Digvijay Kachare i/b. Mr Abhijeet
Desai, for Respondent-SRA.*

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

DATED: **11th September 2024**

PC:-

1. Prima facie, we think that the very institution of this Contempt Petition was an abuse of the process of the Court. The Petitioner/Builder wanted to exert undue pressures on the slum dwellers and force them to accept the possession of the premises which at least prima facie, are far from completed.

2. The Petitioner came with a case that the premises are complete in all respects. This position was disputed by the slum dwellers.

3. Therefore, we made an order on 22nd August 2024. The SRA and BMC officials were directed to inspect the premises and submit a report about the status of the premises. This was to be independent of the Petitioner filing affidavit about the status of the premises.

4. The SRA officials inspected the premises and they filed a report before us. The BMC officials have also inspected the premises but seek time upto tomorrow to file their report.

5. From the SRA's report we find that only some of the premises are complete and the rest are not complete. Report is fairly detailed. The BMC should also file its report by tomorrow and furnish copies to the parties.

6. Mr Mendadkar on instructions of the Petitioner, who is present in the Court, states that the premises would be complete in all respects within ten days from today. This statement is accepted. The Petitioner should complete the premises in all respects by 21st September 2024, take photographs and file an affidavit along with the photographs. Such affidavit should be filed and served by 23rd September 2024. On receipt of the affidavits, the BMC and SRA officials should once again visit the site and see whether the affidavit reflects the correct position at the site. Further, the BMC and

SRA officials must also independently assess whether the premises are complete in all respects and habitable.

7. The Petitioner is directed to deposit Rs.1,00,000/- in this Court within a week from today. This is because we are prima facie not satisfied whether this Petition is bonafide. Secondly, based upon the Petitioner's statement we were given the impression that the premises are complete in all respects, and now, the inspections have revealed that they are not. We have required the BMC and SRA officials to inspect the premises. All this, cannot be at the cost of the public or at the cost of judicial time of the Courts. Therefore, this amount of Rs.1,00,000/- should be deposited in this Court within a week from today i.e. by 18th September 2024.

8. List this matter tomorrow i.e. on 12th September 2024 for directions.

(Kamal Khata, J)

(M.S. Sonak, J)