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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1422 OF 2024

Jigger Deepak Dhakan & Anr ...Petitioners
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

Ms Sheetal Shah, i/b Mehta & Girdharlal, for the Petitioners.
Ms Rupali Adhate, for the Respondent-BMC.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 2nd April 2024

PC:-

1. The Petitioners have or claim rights in respect of the commercial element of a structure at Borivali. This is in the premises of the Ashopalav CHSL. The Petitioner has Shop Nos 1, 2 and 3 on the ground floor and the commercial building is said, in paragraph 6, to consist only of these shops.

2. There is apparently some dispute between the society, the 5th Respondent and the present developer, the 6th Respondent, Vas Infrastructure Limited. The earlier developer was one Pankaj Bhagubhai Desai, a proprietor of Desai Builders.

3. The Petitioners say that they have been denied an Occupation Certificate ("OC") or a part OC as applicable in respect of their

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commercial structure. This is because nobody has surveyed that commercial structure for an assessment of the rectification works that may be found necessary.

4. Ms Shah on behalf of the Petitioners states that if there are any rectification works, the Petitioners are prepared to do these at their own costs even though the OC or part OC that may finally be issued will be in the name of Vas Infrastructure.

5. At this stage, it would not be possible to make a general order of this type. We request Ms Adhate to instruct the officers concerned in the Building Proposal Department or Building & Factory Department to inspect the commercial portions of the society comprising these three shops to assess it for any rectification works as also for any deviations that might require regularisation or a separate retention proposal.

6. Ms Shah states that the Petitioners are not in occupation of the premises. Brihanmumbai Municipal Corporation's officers will have to inform Ms Shah or the Petitioners themselves directly of a proposed visit of site.

7. List the matter on 19th April 2024.

(Kamal Khata, J)

(G. S. Patel, J)