

Sumedh

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

Mr Karl Tamboly, *with Sheetal Shah i/b Mehta & Girdharlal, for the*
Petitioner.

Ms S Tondwalkar, *for the Respondent-BMC.*

Mr Rupesh Gite, *with Priya Dangati/b Satyaki Law Associates, for*
Respondent No. 6.

Mr Ranveer Chopekhar, *i/b Orbit Law, for the Respondent.*

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

DATED: 8th July 2024

PC:-

1. Heard learned counsel for the parties.
2. The Brihanmumbai Municipal Corporation (“BMC”) in pursuance of our order dated 2nd April 2024, has filed an inspection report.
3. The Petitioner is interested in occupying Wing-A, which, according to the learned counsel is an independent wing.

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4. In the report filed by the BMC pursuant to our order dated 2nd April 2024, specific deviations to the basement floor and ground floor of Wing-A have been set out. In addition, a report also refers to general deviations insofar as Wing-A and Wing-B are concerned.

5. Insofar as the deviations specific to Wing-A are concerned, Mr Tamboly learned counsel for the Petitioner states that the Petitioner will set right those deviations within three months from today. He says that the constructions would, within three months from today, accord with the approved plans.

6. Insofar as the general deviations are concerned, we direct the BMC to inform the Petitioners within two weeks from today the compliances that would be necessary. This is more so since one of the general deviation refers to obstructions to vehicular movements in the driveway or obstructions to a fire engine in case of fire emergency. The BMC should therefore communicate to the Petitioner within two weeks from today the precise compliances that are expected from the Petitioner so that, the Petitioners application for part OC of Wing-A could be considered.

7. Upon the Petitioners being informed, it is open to the Petitioners to report compliances within three months.

8. We post this matter for further consideration on 7th October 2024.

9. Learned counsel for the builder/developer reports that developer has gone into Corporate Insolvency Resolution (CIR) process and therefore, he is unable to make any statement as of now.

(Kamal Khata, J)

(M.S. Sonak, J)