

Priya Soparkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3315 OF 2024**

Parizard Sharokh Calcuttawalla and ors. ...Petitioners
Versus
The Municipal Corporation of Greater ...Respondents
Mumbai and anr.

**Mr. Shanay Shah with Mr. Ashutosh Hasija i/by M/s AAK
legal, for the Petitioners.**
**Ms. R.M. Hajare i/by Mr. Sunil Sonawane, for the Respondent
No.1/BMC.**
Mr. Suhas Mali, JE (Main) G/H Ward is present.

**CORAM M.S. Sonak &
Kamal Khata, JJ.**
DATED: 30th July 2024

PC:-

1. Heard learned counsel for the parties.
2. The Petitioners' two shops were acquired for Tilak bridge widening purposes by the Respondent-BMC.
3. The Petitioners instituted a Writ Petition (L) No. 20948 of 2022, seeking alternate accommodation or compensation. This Petition was disposed of by order dated 22nd August

2022, by which this Court directed the alternate accommodation and/or compensation to the Petitioners.

4. In compliance with the directions issued by this Court, the BMC made an order dated 28th April 2023, agreeing to compensate the Petitioners. The compensation was assessed at Rs.1,09,89,061/—, and this was communicated to one of the Petitioners on 6th July 2022 (Exhibit D at page 55).

5. After all these, it was expected that the BMC would pay Rs.1,09,89,061/—to the Petitioners immediately or at least within a reasonable time of one or two months. The Petitioners were, however, forced to institute this petition because their letters/ representations were not even responded to.

6. Learned counsel points out that after this Petition was instituted, the Petitioner was served by letter on 12th April 2024, informing the Petitioner that the payment was being processed and would be released shortly.

7. Ms. R. M. Hajare, learned counsel for the BMC, on instructions, states that the Petitioners' payment has been processed and the amount of Rs.1,09,89,061/- will be paid to the Petitioners within two months from today, i.e. on or before 1st October, 2024.

8. From the documents before us, the BMC is required to pay Rs.1,09,89,061/— to the Petitioners. The BMC also does not dispute this position.

9. Accordingly, without prejudice to the Petitioners' right to claim any interest by instituting appropriate proceedings, we direct the BMC to pay this amount of Rs.1,09,89,061/- to the Petitioners as expeditiously as possible and in any event, on or before 1st October 2024 in terms of the statement now made before us.

10. The petition is disposed of in the above terms without any order as to costs.

(Kamal Khata, J)

(M.S. Sonak, J)