

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16943 OF 2024**

Roma Builders Pvt Ltd.	...Petitioner
Versus	
Thane Municipal Corporation & Anr	...Respondents

Ms Prerna Gandhi a/w Mr. Anish Sholapurkar for Petitioner.
Mr. Mandar Limaye for Respondent No.1.
Ms S. A. Prabhune, AGP for State-Respondent No.2.

**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE : 5th AUGUST, 2025.**

P.C:

- 1 We have heard the learned counsel for the parties.
- 2 This petition under Article 226 of the Constitution of India is filed
praying for following reliefs.

“(a) This Hon'ble Court be pleased to declare that the Occupation Certificate sought by the Petitioner from the Respondent No. 1 vide its proposal dated 10.08.2021 in respect of G+ 7 floor structure known as 'Trafford' constructed upon Survey Nos. 174/4 (pt.), 178/3(pt.), 179/1(pt.) and 179/2(pt.) at Village Kolshet, is deemed to have been granted.

(b) In the alternative to prayer (a) This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus directing the Respondent to grant Occupation Certificate in respect of G+ 7 floor structure known as 'Trafford' constructed upon Survey Nos. 174/4 (pt.), 178/3(pt.), 179/1(pt.) and 179/2(pt.) at Village Kolshet, District Thane.

(c) This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus directing the Respondent No. 1 to pay compensation of Rs. 30,24,42,331/- to the Petitioner.”

- 3 At the outset, learned counsel for the Petitioner as also Mr. Limaye

appearing for Respondent No.1 would submit that in so far as the position of law as laid down by this Court in *Sheth Developers Pvt Ltd. & Anr Vs. Municipal Corporation of Thane & Ors.* (Writ Petition No.12362 of 2023) decided by the Co-ordinate bench of this court by judgment dated 1st November 2023 would cover the issue. Our attention in this regard is drawn to the relevant paragraphs and more particularly paragraphs 52 to 54 of the said decision, which read thus:

“52. In view of this discussion, we are unable to see how the applications by the Petitioners could have been rejected simply and solely on the ground that the policy is in abeyance, that there is an enquiry, that a report has been called for or that the policy has not been approved by the State Government. Once the UDCPR 2020 has been brought into force, and the sanctioning authority for the DP of which the Regulations are a part, is always the State Government under the MRTTP Act, then there is no question of saying that the 2016 policy was not approved by the State Government.

53. This is why we have been at some pains to point out the provisions of the UDCPR 2020 and to show that they are not in any material manner distinct from the 2016 policy. Thus, whether or not formally approved by the State Government in the form of the policy as it stood between 2016 and 2020, it is safe to hold that the policy as embodied in the UDCPR 2020 vide Regulation 11 now has State Government approval and sanction. It is, therefore, not possible for the TMC to refuse to apply the policy. It is required to do so on the basis not only of the UDCPR 2020 but based on the policy of 2016 that was assured, invoking both principles of the doctrine of promissory estoppel and of legitimate expectations. It cannot be denied that under that very policy not only have the Petitioners altered their position, but prejudice has been demonstrated and, correspondingly, great benefit to the TMC including considerable financial benefit has already been shown.

54. As the Petition points out in ground (G), the BBP presents an entirely beneficial scenario for the TMC. But that requires necessarily the policy to be operated in the way it was announced and assured. The TMC cannot have the benefit of a cash component as well as development of the amenity without performing its obligations and keeping its assurances under the policy.”

4 However, Mr. Limaye would submit that in so far as other compliances are concerned, the Petitioner need to undertake such compliances. In this

context, our attention is drawn to a letter dated 10th August 2021 issued by the Petitioner's Architects to the Executive Town Planning Department, Thane Municipal Corporation, setting out the proposed compliances which would be made. In our opinion, it is appropriate that all such compliances be made or any other compliances otherwise than what has been held by this court in the decision of Sheth Developers (*supra*). On such compliances being made, the occupation certificate in favour of the Petitioner be issued within 15 days from such compliances.

5 All contentions of parties on such issues are expressly kept open.

6 Petition disposed of in the aforesaid terms. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]