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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 12 OF 2025
IN
APPEAL FROM ORDER NO. 323 OF 2025**

Iqbal @ Bali Begum Salahuddin ... Petitioner
Pasha

Vs.

Brihanmumbai Municipal Corporation ... Respondent
through the Designated Officer 'L'Ward

Mr. Pragma Mishra for the Petitioner.

Ms. Neeta Jadhav i/b. Ms. Komal Punjabi for the
Respondent-BMC.

Mr. Siddhivinayak Khadapkar AE (B & F) 'L'Ward.

CORAM : GAURI GODSE, J.

DATE : 5th AUGUST 2025

ORDER :

1. This review petition is filed seeking review of the order dated 2nd July 2025. By the order under review the appeal filed by the appellant is dismissed. The appeal was filed to challenge refusal to grant ad-interim relief in a suit to challenge notice issued under Section 354 of the Mumbai Municipal Corporation Act, 1988 ("MMC Act"). Based on the structural audit report categorising the building as C-1 category, steps have been taken by the corporation for vacating the building and demolition.

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2. Learned counsel for the appellant submits that the tenants have submitted structural audit report of 8th June 2021 categorising the building as C2-B category. He submits that once two contrary reports are submitted the corporation is required to refer the matter to the Technical Advisory Committee ("TAC") as per the guidelines. He submits that this report of 8th June 2021 was not considered by this court at the time of passing order on 2nd July 2025. Hence, this review petition is filed.

3. Considering the grievance made on behalf of the appellant, I have perused the structural audit report dated 8th June 2021 which is annexed at page 73 of the appeal compilation.

4. Learned counsel for the corporation points out that this report dated 8th June 2021 recommended carrying out urgent repairs. However, the repairs were not carried out and no steps were taken to comply with the recommendation in the report. She submits that the recent action taken by the corporation is pursuant to the report filed by the owner of the building declaring the building as C-1 category. She submits that the recent report is dated 2nd November 2024. She thus submits that there are no contrary reports to refer the matter

to the TAC.

5. The report dated 2nd November 2024 is also part of the record. I have perused the report. The recent report declares the building as C-1 category. The guidelines for taking action with regard to the building declared as C-1 category provides for referring the matter to the TAC if two conflicting structural audit reports on the status of the building are submitted. Clause 1.05 of the guidelines provides that the meeting may be adjourned for hearing, but in any case not more than two adjournments shall be granted, when two conflicting reports are submitted.

6. The clause for referring the conflicting report to the TAC does not provide for any time gap between the two reports. However, the report relied upon by the appellant is dated 8th June 2021. Admittedly, the recommendation in that report are not complied with. Hence, the report dated 8th June 2021 and the recent report dated 2nd November 2024 cannot be termed as conflicting reports. In such circumstances, I do not find any ground to review the order dated 2nd July 2025. Hence, review petition is rejected.

7. Learned counsel for the appellant submits that no steps have been taken for rehabilitation of the occupants before

issuing the notice for vacating the building and demolishing it. This grievance is not made by the appellant in the suit, hence for the first time such grievance cannot be examined in this appeal. The appellant would be at liberty to adopt appropriate proceedings regarding the grievances, if any, with regard to the rehabilitation of the occupants of the building.

8. At this stage learned counsel for the appellant on instructions submits that the appellant would not press for any relief in the review petition. However, the appellant be granted time to take appropriate steps for rehabilitation.

9. Learned counsel for the corporation strongly opposes this request. She on instructions submits that all the occupants except the present appellant have vacated the building.

10. Considering that the building is declared C-1 category which is dangerous for human habitation, I do not see any reason to grant any further time to the appellant. Hence the prayer is rejected.

[GAURI GODSE, J.]