



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO. 43 OF 2025
IN
WRIT PETITION NO. 513 OF 2023

Yamuna Sudhakar Shejwal
Vs.
Sachin Manmohan Kalra & Ors.

... Petitioner
... Respondents

WITH
WRIT PETITION (L) NO. 6903 OF 2025
WITH
INTERIM APPLICATION NO. 1638 OF 2023
IN
WRIT PETITION NO. 513 OF 2023
WITH
WRIT PETITION NO. 2904 OF 2019
WITH
CHAMBER SUMMONS NO. 31 OF 2018
IN
WRIT PETITION NO. 2904 OF 2019
WITH
WRIT PETITION NO. 651 OF 2025
IN
INTERIM APPLICATION (L) NO. 14364 OF 2025
WITH
WRIT PETITION NO. 651 OF 2025
WITH
WRIT PETITION NO. 1193 OF 2024

Mr. Samir Vaidya a/w Aditya Parmar, Ms. Zoinal Khan, Ms. Jagruti Mistry for Petitioner in RPW/43/2025.

Mr. Aditya Seetharaman i/b Vishal Shriyan for R. No. 5 To 19 in RPW/43/2025 and for Original Petitioner in WP/513/2023.

Mr. Girish Godbole, Sr. Adv. i/b Mr. Piyush Deshpande a/w Mr. Sandeep Dubey for Petitioner in WP/651/2025, for Applicant in IAL/14364/2025 and for Society in all connected matters.

Ms. Manisha Jagtap a/w Ms. Mansi Joshi, Ms. Yashashree Raut for MHADA.

Ms. K. H. Mastakar i/b Ms. Komal Punjabi and Ms. Smita Tondwalkar for BMC.

Mr. Atul Vanarse, AGP for State in WPL/6903/2025.

Mr. Himanshu Takke, AGP for State in WP/2904/2019.

Ms. Anupama Pawar, AGP for State in WP/651/2025.

Mr. Manish Upadhye, AGP for State in WP/1193/2024.

Mr. Mahesh Londhe a/w Mr. Sanjay Udeshi for R. No. 11.

Mr. Sahil Singh i/b Wadia Ghandy & Co. For R. No. 13 and 17 in WP/2904/2019 and for R. No. 2 in WP/513/2023.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATED: 14 AUGUST, 2025

P.C.

1. Considering the earlier orders, in our opinion, a copy of the Structural Audit Report of the VJTI is required to be furnished to the parties. We are informed that the Society has already received a copy of the said report issued by the Designated officer of the MHADA. Whoever intends to receive a copy of the report, the same be obtained either from the Society or the Designated Officer of MHADA.

2. As there is some apprehension on the part of the tenants/Society in regard to the civil works/structural condition of the building, learned counsel for MHADA states that an affidavit supported with appropriate material and certification by the structural auditors that the construction as undertaken, in respect of all the tenements is structurally sound and safe and of the requisite quality and that the tenements can be occupied by the allottees, shall be placed on record by 20 August 2025. A copy of the same be furnished to the learned advocate for the parties/or the parties.

3. Ms. Jagtap has contended that as the tenements are already allotted and the building is ready to be occupied, the MHADA is not inclined to continue to pay

transit rent. She also submits that in the fact circumstances, the tenants cannot delay occupying their illegal tenements.

4. We are of the opinion that in the event the construction is complete and it is well-habitable and as proposed to be certified on behalf of MHADA and if so placed on record on affidavit, we do not find that in such event, there should be any resistance on the part of the tenants to occupy their respective tenements and in that event they would not be entitled to any further rent. A situation also cannot be countenanced that on one hand when the construction is complete, the same is not being occupied and at the same time, the rent is being paid by the MHADA, which is a burden on the public exchequer.

5. In this view of the matter, we propose to pass further orders after the affidavit on behalf of MHADA, as directed hereinabove, comes on record and after hearing the learned counsel for the parties on such affidavit.

6. We permit the Society to place on record the minutes of the joint meeting which was held on 15 July 2025.

7. At this stage, we also permit the selected representatives of the tenants society, which ought not to be more than 5 to visit the premises along with the representatives of the MHADA for the purpose of inspection. We permit the petitioners to include the visit of the structural auditor, however, at this stage, we do not permit any tests to be undertaken by the third party structural auditor, so as to prepare any Structural Audit Report.

8. A copy of the report of VJTI as tendered by Ms. Jagtap is taken on record.
9. Affidavit on behalf of MHADA be served on all the parties well in advance. Similarly, for the affidavit which would be filed on behalf of the Society also be served well in advance on the advocate for MHADA and on the parties.
10. Stand over to **21 August 2025 (H.O.B.)**.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI , J.)