

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO.938 OF 2024**

Adarsh Chawl Committee through Chandrakant
Ganpat More

... Petitioner.

V/s.

Hubtown Limited (Formerly known as Akruti
City Ltd./Akruti Nirman Pvt. Ltd.) & Ors.

... Respondents.

Ms. Gayatri Singh, Senior Advocate, a/w Mr. Hamza Lakhdawala (through VC), Ms. Geeta Kadam and Adv. Mohammed Najmi for the Petitioner.
Mr. Ashish Kamat, Senior Advocate, a/w Ms. Simantini Mohite and Mr. A.R. Mishra for Respondent No.1.
Mr. Prashant Chavan, Senior Advocate, a/w Adv. Poonam Sheth, i/by Navdeep Vora & Associates for Respondent Nos.2 and 3-MIDC.
Mr. Abhijit P. Kulkarni, a/w Adv. Sweta Shah for Respondent No.4-SRA.
Mr. Ali Murtaza, (AVP-Legal), representative of Respondent No.1, present.

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**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**
DATE : 4th March 2025.

P.C.:-

1) Mr. Anil P. Jogdand, Deputy Engineer of Respondent No.2 has affirmed an Affidavit dated 25th January, 2025. Paragraph Nos.2 and 4 of the said Affidavit read as under:

“2. I say that, as referred in para 18.8 of my Affidavit in Reply dated 29/11/2024, MIDC vide its Resolution No. 6890 has decided to consider the case of eligible members of the Petitioner on priority basis. However, the said resolution itself provides that the priority for consideration is subject to

*withdrawal of all the legal proceedings filed by such eligible members against MIDC. The said Resolution was passed by the MIDC in its 403rd Meeting held on 08/10/24.. Copy of d Resolution No.6890 passed in 403rd meeting dated 08/10/24 is annexed hereto and marked as **Annexure - "1"**.*

*4) Thereafter, Respondent No.1 inter-alia has forwarded a revised lottery list of the slum dwellers vide his letter dated 30/12/2024. The same is under scrutiny and verification by the concerned office of the MIDC. After completion of verification process necessary steps for conducting the lottery system will be initiated. Copy of the said letter dated 30/12/2024 is annexed hereto and marked as **Annexure – "3"**.*

2) It is needless to mention that the seniority list and the allotment of the rehab component tenements will be only to be eligible members of the society and not to anybody else.

3) Mr. Chavan, learned senior counsel for the Respondent No.2 on instructions submitted that the proposal of the Respondent No.1 for grant of OC will be processed within a period of eight weeks from the date of application filed by the Respondent No.1 as per the provisions of law and from the date of uploading of present Order on the official website of High Court of Bombay

4) In view thereof, the grievance of the Petitioner is as far as prayer clause (b) is concerned is worked out. As far as arrears of transit rent is concerned, Mr. Kamat, learned counsel appearing for Respondent No.1 on instructions from Mr. Ali Murtaza, AVP-Legal representative of Respondent No.1 submitted that the Respondent No.1 will clear all the arrears of rent of

the eligible members of the Petitioner society till the concerned member are allotted Permanent Alternate Accommodation in the rehab component building No.5 within a period of four weeks from today. The said statement is accepted as an undertaking given to this Court.

5) In view thereof the grievance of the Petitioner as of today does not survive and Petition is accordingly disposed off.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)