

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3224 OF 2024

IN

WRIT PETITION NO. 4830 OF 2024

Hemant Ramrao Bhojane

...Petitioner

Versus

Maharashtra State Government Through Additional

Chief Secretary Housing Department & Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 4530 OF 2025

IN

WRIT PETITION NO. 4830 OF 2024

Hemant Ramrao Bhojane

...Petitioner

Versus

Maharashtra State Government Through Additional

Chief Secretary Housing Department & Ors.

...Respondents

Mr. Hemant R. Bhojane, Petitioner in person.

Mr. Vishal Thandani, Addl. G.P. a/w Mr. Atul Vanarse, AGP for State.

Mr. Akshay P. Shinde for Respondent Nos.1 to 6.

Mr. Amrut Joshi a/w Yezad Udwadia, Shyamiyana H. and Rahul Patil i/b Arhat
Legal for Respondent No.7.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 11 SEPTEMBER 2025

P.C.

1. We have heard the petitioner in person, Mr. Shinde, learned counsel for MHADA and its officers Respondent Nos,3, 4 & 5 and Mr. Joshi, learned counsel for respondent No.7.

2. We are informed by Mr. Joshi that the construction of the building is almost complete and an application would be made for grant of Occupation Certificate.

Petitioner is claiming to be entitled for a Permanent Alternate Accommodation. Mr. Joshi submits that the developer would not have any difficulty to enter into a PAA agreement as also make allotment in favour of the petitioner, considering the case of the petitioner and his entitlement.

3. Be that as it may, we are quite surprised that although the development has commenced from 2014 and the members of the society/tenants are out of their premises for a substantial time, no PAA agreement has been entered. We are informed by the petitioner that the position that the building is complete is also not correct.

4. We, accordingly, direct respondent No.4 – Chief Executive Officer, Mumbai Board, MHADA to personally undertake a visit of the project and prepare a report of his visit in regard to the status of the building and whether respondent No.7 can make an application of grant of an Occupation Certificate. At this stage, we are informed that an application for part OC has been made by respondent No.7. Let this also be verified and a position in that regard be also made on the adjourned date of hearing.

5. Respondent No.4 is directed to file an affidavit placing on record its report and the correct position insofar as the present project is concerned.

6. *Prima facie*, we are of the opinion that the project appears to have been delayed. Also it appears that there are disputes *inter se* in the society i.e. between its managing committee and members, and already an administrator has been appointed on the complaint of the petitioner.

7. Let the Administrator of the Society also be impleaded as a party. Amendment be carried out on or before Monday (i.e. 15 September 2025). Reverification is dispensed with.
8. We may also observe that there is a dispute in regard to the transit rent which is entitled to the petitioner. Let a proper calculation of the amount which are paid and the amount which have remained outstanding, be also placed on record by respondent No.7 and the same be furnished to the petitioner on or before the next date of hearing, so that we can hear the parties on such contentions and pass further appropriate orders.
9. Respondent No.7 would also place on record a schedule, which respondent No.7 would now intend to follow to enter into PAA agreement with the members of the society and indicate the allotments of the respective flats to the members of the society. A list of all such members along with the numbers of the flats be indicated and a list thereof be placed on record.
10. Reply affidavit to the interim application is taken on record.
11. List the matter on **22 September 2025 (HOB)**.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)