Ashwini

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

WRIT PETITION NO. 1647 OF 2026

ASHWINI PRASAD NARHIRE

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Date: 2026.10.09 11:12:41 +0530

Kanti Builders Pvt Ltd. ...Petitioner

Versus

State Of Maharashtra & Anr. ...Respondents

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Mr. Pravin Samdani, Sr. Advocate a/w Saket Mone, Mr. Archit Rao, Ms. Aashka Vora i/b. Vidhii Partners for the Petitioner.

Smt. Usha Rahi, AGP for the Respondent No.1 - State.

Ms. Sheetal Metakari i/b. Komal Punjabi for Respondent Nos.2 and 3 – BMC.

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CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 7th OCTOBER, 2026.

P.C.:

1. We have heard Mr. Samdani, learned Senior Advocate for Petitioner, Smt. Usha Rahi, AGP for Respondent No.1-State and Ms. Sheetal Metakari for Respondent Nos.2 and 3-BMC. The instant Writ Petition is preferred *inter alia* for the following substantive relief:

> *"a) That this Hon'ble Court be pleased to issue a Writ of*

Mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India directing the Respondents Nos.2 & 3 to grant two times TDR-FSI in the form of TDR by issuing DRC or in the alternative monetary compensation in accordance with the said Act in lieu of land and constructed amenity towards Nalla widening land admeasuring approximately about (4152.30 sq. mtr.) including existing Nallah on the plot of land bearing CTS No.374/B/6 situated at Village Eksar, Borivali (West), Mumbai – 400092, in favour of the Petitioner, in accordance with law."

2. At the outset, Mr. Samdani has placed reliance on the communication issued by BMC dated 30th September 2025 regarding grant of Development Right Certificate **("DRC")** in lieu of Nalla training and widening along with construction of nalla on land bearing C.T.S. No.374 B/6 of village Eksar Borivali (W) in R/Central Ward. He would further submit that the Three Member Committee had accepted the request made by the Architect S.G. Kanade for grant of TDR, subject to the fulfillment of the following conditions:-

(i) Issuance of Completion Certificate for construction/training of nalla from SWD Department.

(ii) Joint measurement by CTSO for land affected by nalla.

(ii) Taking over the land affected by nalla by SWD department and further transfer of PRC in the name of BMC.

3. In so far as the first condition is concerned, Mr. Samdani has relied upon Completion Certificate appended at page nos.75-76 of the paper book. As regards to the second and third conditions, he submits the Petitioner shall make an Application within one week's time and expect/requests the matter be expedited.

4. At this stage dispute is raised with regard to the Completion Certificate appended at (page nos.75 and 76) of the Petition. In this context, Mr. Samdani would submit that this is a Full Completion Certificate as against the submission of the Respondent-Corporation such certificate is Part Completion Certificate. Be that as it may, this aspect can be examined by the Respondent Corporation and in case there is any shortfall and or clarifications required, the same shall be sought by the Petitioner.

5. Per contra, Ms. Metakari, the learned counsel for Respondent Corporation would submit that the Three Member

Committee vide communication dated 30th September, 2025 has accepted the request for grant of TDR subject to aforesaid conditions. She further stated that upon the Petitioner completing the necessary formalities the Competent Authority shall expeditiously process the Petitioner's Application and take all consequential steps in accordance with the law.

6. In case the Petitioner prefers an Application within 10 days *qua* the second and third conditions indicated in the communication dated 30th September 2025 noted (*supra*), we expect the Respondent/Concerned Authority to do the needful expeditiously in accordance with law, within two months from the date of uploading of this order. As observed above in doing so, the Respondent/Concerned Authority shall also examine the issue/dispute regarding to the Full/Part Completion Certificate (at pages 75-76) of the Petition.

7. Accordingly, the Petition stands Disposed Of in the above terms.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**