

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 120 OF 2019

IN

WRIT PETITION NO. 49 OF 2019

Yashowan Tower Co-op. Housing Society Ltd. ... Petitioner

Versus

Slum Rehabilitation Authority and others ... Respondents

WITH

INTERIM APPLICATION (L) NO. 2988 OF 2021

IN

WRIT PETITION NO. 49 OF 2019

WITH

NOTICE OF MOTION NO. 253 OF 2017

IN

CONTEMPT PETITION NO. 119 OF 2017

WITH

WRIT PETITION NO. 728 OF 2017

WITH

CHAMBER SUMMONS NO. 119 OF 2017

IN

WRIT PETITION NO. 728 OF 2017

WITH

CONTEMPT PETITION (L) NO. 5098 OF 2021

IN

INTERIM APPLICATION (L) NO. 2987 OF 2021

WITH

WRIT PETITION NO. 49 OF 2019  
WITH  
NOTICE OF MOTION NO. 120 OF 2019  
IN  
WRIT PETITION NO. 49 OF 2019  
WITH  
INTERIM APPLICATION (L) NO. 2988 OF 2021  
AND  
INTERIM APPLICATION (L) NO. 4945 OF 2021  
IN  
WRIT PETITION NO. 49 OF 2019

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Mr. Kunal Kumbhat for the Petitioner in WP-728-2017 and for Respondent No.5 in WP-49-2019 and Petitioner in ConPWL-5098-2021.

Mr. Rajesh Revankar instructed by Ms. Sonali Sigum for the Petitioner in WP-49-2019 and for the Intervener in WP-728-2017.

Mr. Abhijit Patil instructed by Mr. Jagdish G. Aradwad (Reddy) for Respondent Nos.1 to 3 in WP-728-2017 and for Respondent Nos.1 and 2 in WP-49-2019.

Mr. Hemant Haryan, AGP for the State.

Ms. Sheetal Metkari instructed by Ms. Aruna Savla for the MCGM.

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**CORAM : S.J. KATHAWALLA AND**

**VINAY JOSHI, JJ.**

**DATED : FEBRUARY 25, 2021.**  
**(In Chambers)**

**P.C. :-**

1. Perused the Order dated 23<sup>rd</sup> February, 2021. The developer has cleared the construction material and the gas cylinders from the compound of the Society.

2. As far as the refuge area on the 8<sup>th</sup> floor of the building is concerned, the Learned Advocate appearing for the developer states that the same has been vacated by the developer. We direct the developer to handover the keys of the structure standing thereon, to the Society. However, we make it clear that neither the office bearers of the Society nor any member of the society shall use the structure constructed on the refuge floor/area. The members as well as the office bearers have agreed that they will remove the doors of the structure and shall replace the present windows by sliding windows (without locks), to ensure that the rain water should not seep inside the said structure and the members can have free/easy access through the structure, in case of any mishap. The above directions qua the structure shall be complied with by the Society within a period of two weeks from today. Stand over to 11<sup>th</sup> March, 2021.

3. The Interim Application No. 2988 of 2021 taken out by the Society be placed high on board on 4<sup>th</sup> March, 2021.

**( VINAY JOSHI, J. )**

**( S.J. KATHAWALLA, J. )**