

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.160 OF 2015
WITH
NOTICE OF MOTION NO.173 OF 2014
WITH
NOTICE OF MOTION NO.175 OF 2014
WITH
NOTICE OF MOTION (ST) NO.635 OF 2014
IN
WRIT PETITION NO.1251 OF 2014

Central Mumbai Developers Welfare
Association and anr. ... Petitioners
v/s
State of Maharashtra and others ... Respondents

WITH
WRIT PETITION (ST) NO.250 OF 2015

Gayatri Enterprises and anr. ... Petitioners
v/s
Municipal Corporation of Greater Mumbai
and others ... Respondents

WITH
WRIT PETITION (ST) NO.251 OF 2015

Taurus Properties and anr. ... Petitioners
v/s
Municipal Corporation of Greater Mumbai
and others ... Respondents

WITH
WRIT PETITION (ST) NO.253 OF 2015

Taurus Developers Pvt.Ltd. ... Petitioners
v/s
Municipal Corporation of Greater Mumbai
and others ... Respondents

**WITH
WRIT PETITION (ST) NO.255 OF 2015**

Gayatri Developers and anr. ... Petitioners
v/s
Municipal Corporation of Greater Mumbai
and others ... Respondents

**WITH
WRIT PETITION NO.972 OF 2014**

Mrs Vijayalakshmi and others ... Petitioners
v/s
State of Maharashtra and others ... Respondents

**WITH
WRIT PETITION NO.983 OF 2014
WITH
NOTICE OF MOTION NO.161 OF 2015**

D.V.K. Real Estate Pvt.Ltd. and anr. ... Petitioners
v/s
State of Maharashtra and others ... Respondents

**WITH
WRIT PETITION NO.2113 OF 2014**

Vikram Jethalal Joisher and anr. ... Petitioners
v/s

State of Maharashtra and others ... Respondents

**WITH
WRIT PETITION (ST) NO.2840 OF 2014**

Dattashram CHS Ltd. and others ... Petitioners

v/s

Municipal Corporation of Greater Mumbai
and others ... Respondents

**WITH
WRIT PETITION (ST) NO.3308 OF 2014**

Dilip Kumar Somaiya and anr. ... Petitioners

v/s

Municipal Corporation of Greater Mumbai
and others ... Respondents

**WITH
NOTICE OF MOTION (ST) NO.599 OF 2014**

Central Mumbai Developers Welfare
Association and anr. ... Petitioners

v/s

State of Maharashtra and others ... Respondents

Dr Milind Sathe, Sr. Counsel with Mr Rohan Rajadhyaksha and Ms Apeksha Sharma i/b M/s Kadam and Co. for Applicants / Petitioners in NM(L) No.42 of 2015 in WP No.983 of 2014, NM No.173 of 2014 and NM(L) No.635 of 2014 in WP No.1251 of 2014 and WP No.2113 of 2014. Mr Roshan D'Souza i/b M/s Flavia Legal for Petitioners in WP No.972 of 2014.

Ms Reena Salunkhe i/b Mr O.K. Kulkarni for Petitioners in WP (L) Nos.2840 of 2014, 3308 of 2014, 250 of 2015, 251 of 2015, 253 of 2015, 255 of 2015 and 272 of 2014.

Mr A.A. Kumbhakoni, Sr. Counsel with Ms T.H. Puranik and Mr

Ashutosh Gavnekar for Respondent – BMC.
Ms G.R. Shastri, Addl. GP with Mr J.S. Saluja for Respondent – State.

**CORAM: MOHIT S. SHAH, C.J. &
B.P. COLABAWALLA, J.**

DATE : 13 MARCH 2015

P.C.:

The learned advocate for the petitioners has taken out this praecipe for speaking to the minutes of our order dated 5 February 2015.

2. Having heard the learned counsel for the parties, we clarify that the petitioners will be at liberty to point out the discrepancies in the chart in paragraph 12 of the order which the Municipal Corporation of Greater Mumbai shall take into consideration before finalising the amount of transfer premium and interest, if any, payable thereon.

3. As regards the clarification sought that the transfer premium earlier paid to be considered as transfer premium paid as per the order dated 5 February 2015 is already taken care of by the words “... if not already paid,” in paragraph 12 of the order.

4. As regards the other clarification with reference to further transfer of the plot to the Co-operative Housing Society, we keep it open

for the petitioners to take out a notice of motion for appropriate directions as and when the occasion arises.

6. The praecipe stands disposed of accordingly.

CHIEF JUSTICE

B.P. COLABAWALLA, J.