

## 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 NO.213 OF 2015  
IN  
WRIT PETITION NO.1251 OF 2014  
AND  
WRIT PETITION NO.1251 OF 2014

Central Mumbai Developers Welfare  
Association & Anr .. Petitioners  
vs  
State of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION (ST) NO.250 OF 2015

Gayatri Enterprises and anr. ... Petitioners  
v/s.  
Municipal Corpn. of Greater Mumbai & Ors ... Respondents

WRIT PETITION (ST) NO.251 OF 2015

Taurus Properties and Anr. ... Petitioners  
v/s  
Municipal Corpn. of Greater Mumbai & Ors. ... Respondents

WITH

## WRIT PETITION (ST) NO.253 OF 2015

Taurus Developers Pvt.Ltd. ... Petitioners  
v/s.  
Municipal Corpn. of Greater Mumbai & Ors. ... Respondents

WITH  
WRIT PETITION (ST) NO.255 OF 2015

Gayatry Developers and Anr. ... Petitioners  
v/s  
Municipal Corpn. of Greater Mumbai & Ors ... Respondents

WITH  
WRIT PETITION NO.972 OF 2014

Mrs.Vijayalakshmi & Ors. ... Petitioners  
vs  
State of Maharashtra & Ors. .. Respondents

WITH  
WRIT PETITION NO.983 OF 2014

D.V.K.Real Estate Pvt.Lrtd. & Anr. ... Petitioners  
vs  
State of Maharashtra & Ors. ... Respondents

WITH  
WRIT PETITION NO.2113 OF 2014

Vikram Jethalal Joisher and Anr. .... Petitioners  
vs  
State of Maharashtra & Ors. .... Respondents

WITH

## WRIT PETITION (ST) NO.2840 OF 2014

Dattashram Co-op.Hsg.Soc.Ltd. & Ors. .... Petitioners  
vs  
Municipal Corporation for Gr.Mumbai & Ors. .... Respondents

WITH

## WRIT PETITION (St) NO.3308 OF 2014

Dilip Kumar Somaiya & Anr. .... Petitioners  
vs  
Municipal Corporation for Gr.Mumbai & Ors. .... Respondents

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Dr Milind Sathe, Sr. Counsel with Mr.Chirag Balsara & Mr.Sanjay Kadam & Ms.Apeksha Sharma i/b M/s Kadam and Co. for Applicants / Petitioners in WP No.1251 of 2014, WP No.2113 of 2014 and WP No.983/14.

Mr A.A. Kumbhakoni, Sr. Counsel with Ms T.H. Puranik and Mr Ashutosh Gavnekar for Respondent – BMC.

Mr.Sandeep Parekh i/b. Deven Dwarkadas Partners, for the Petitioners in WP 2436/08.

Ms Reena Salunkhe, for Petitioners in WP 1730/09 & WP 2674/12.

Ms.Sonam Mhatre i/b. VND & Associates, for Petitioners in WP no.894/13.

Mr.Shailesh Poria i/b. M/s.Hariani & Co., for Petitioners in WP 1576/13.

Ms.Dipti Pande with Megha Martins i/b. Purnand & Co. for Petitioners in WP 372/14.

Mr.S.D'Souza i/b. Flavia Legal, for Petitioners in WP 972/14.

Mr.Kishore Thakordas i/b. Kishore Thakordas & Co., for Petitioners in WP 1091/14.

Mr.S.J.Shaikh i/b. M/s.S.K.Srivastav & Co., for Petitioners in WP 2455/14.

Mr.Sujit Suryawanshi i/b. Vigil Juris, for Petitioners in WP 1322/12.

Mr.H.S.Venegavkar, Addl.GP for State in WP 1251/14.

Mr.R.J.Mane, AGP for State in WP 894/13 & 1576/13 & 912/14.

Ms G.R. Shastri, Addl. GP, for State in WP 983/14, 1091/14 & 939/15.

Mr.M.A.Sayyed, AGP, for State in WP 2113/14.

Mr.J.S.Saluja, AGP for State in WP 2455/14.

Mr.Anurag Gokhale, AGP for State in WP 2624/15.

Mr.Amit Shastri, AGP for State in WP 2664/14.

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CORAM : MOHIT S. SHAH, C.J. AND  
G.S.KULKARNI, J.

DATE : 23 APRIL 2015

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**PC :**

1. In spite of orders dated 5 February 2015, 13 March 2015 and 6 April 2015, the Municipal Corporation of Greater Bombay has not complied with the directions given in paragraph 24 of the order dated 5 February 2015 within the time limit which was till 20 April 2015.

2. Learned Counsel for the petitioners state that they have already informed the Estate Department of the Municipal Corporation about the discrepancies in the Chart which was prepared by the BMC as reproduced in paragraph 12 of order dated 5 February 2015 of this Court.

3. Learned Counsel for the Municipal Corporation states under instructions from Mrs.Joshi, A.O. Lease, that the amount of penalty for late filing of documents with the Estate Department of the Municipal Corporation will have to be worked out in each individual case on the basis of the circular of the Municipal Corporation, a copy of which will be given to the petitioners on 27 April 2015.

4. We clarify that the petitioners shall pay the penalty for late filing of the documents with the Estate Department of the Municipal Corporation in accordance with the circular, without prejudice to their contention that the circular should be applied with retrospective effect. In any view of the matter, we clarify that, the Municipal Corporation shall not charge any penalty for filing of documents for a period prior to the date of coming into force of the Validation Act. Subject to the above clarification, time limit stipulated in the last order dated 6 April 2015 is extended to the extent of one week from the date of payment of penalty amount and that the applications for building permission

/ occupation certificate etc. shall be decided within ten days from the date of payment of the penalty, if any, for late filing of the documents.

5. We are informed that the Municipal Corporation has filed affidavit in reply but the State Government has not filed any affidavit in this group of petitions. We, accordingly, direct that the State Government shall file an affidavit in reply in Writ Petition no.1251 of 2014 by 12 June 2015. Rejoinder, if any, shall be filed by 26 June 2015. Stand over to 1 July 2015.

(CHIEF JUSTICE)

(G.S.KULKARNI, J.)