

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

WRIT PETITION (Lodg)NO.900 OF 2013
WRIT PETITION NO.868 OF 2013

M/s.Buildarch & Anr. .. Petitioners
vs
The State of Maharashtra. .. Respondents

WITH
WRIT PETITION NO.2624 OF 2014
(WRIT PETITION (LODG) NO.2331 OF 2014)

Laxmikant Dinkar Parulekar & Ors. Petitioners
vs
State of Maharashtra & Ors. Respondents

WITH
WRIT PETITION NO.310 OF 2014

M/s.Omkar Realtors and Developers Pvt.Ltd. ... Petitioners
vs
Municipal Corporation of Gr.Bombay & Ors. .. Respondents

WITH
WRIT PETITION NO.2664 OF 2014
(WRIT PETITION (LODG) NO.2597 OF 2014)

Shantilal C.Chheda & Ors. ... Petitioners
vs
Municipal Corporation of Gr.Bombay & Ors. .. Respondents

WITH
WRIT PETITION NO.1243 OF 2010

Omkar Realtors & Developers Pvt.Ltd. & Anr. .. Petitioners
vs
The Municipal Corporation of Gr.Bombay & Ors... Respondents

WITH

WRIT PETITION NO.972 OF 2014

Mrs.Vijayalakshmi & Ors. .. Petitioners
vs
The Municipal Corporation of Gr.Bombay & Ors... Respondents

WITH

WRIT PETITION (St.)NO.1006 OF 2014

Araaish Developers & Anr. .. Petitioners
vs
The Municipal Corporation of Gr.Bombay & Ors... Respondents

WITH

WRIT PETITION NO.2436 OF 2008

The Great Eastern Shipping Co.Ltd. .. Petitioners
vs
Brihan Mumbai Mahanagarpalika & Ors. ... Respondents

WITH

WRIT PETITION NO.272 OF 2014

M/s.Darshan Group & Anr. .. Petitioners
vs
Municipal Corporation of Gr.Bombay & Ors. .. Respondents

WITH

WRIT PETITION NO.894 OF 2013

Nival Developers Pvt.Ltd. & Ors. .. Petitioners
vs
State of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION NO.725 OF 2011

Dilip Madhav Muzumdar & Ors. .. Petitioners
vs
Municipal Corporation of Gr.Bombay & Ors. .. Respondents

WITH

WRIT PETITION NO.372 OF 2014

Shri.Sahasra Fana Parasnath Jain Temple & Ors.... Petitioners
vs
Municipal Corporation of Gr.Bombay & Ors. .. Respondents

WITH

WRIT PETITION NO.1730 OF 2009

H.M.Holding & Anr. .. Petitioners
vs
The Municipal Corporation of Gr.Bombay & Ors... Respondents

WITH

WRIT PETITION NO.2455 OF 2014

Faram Erach Irani & Anr. Petitioners
vs
Municipal Corporation of Gr.Mumbai & Ors. Respondents

WITH

WRIT PETITION NO.2674 OF 2012

Rohan Developers Pvt.Ltd. & Ors. .. Petitioners
vs

The Municipal Corporation of Gr.Bombay & Ors... Respondents

WITH

WRIT PETITION NO.1091 OF 2014

Shanti And Santosh Developers Pvt.Ltd. & Anr... Petitioners

vs

The Municipal Corporation of Gr.Mumbai & Ors.... Respondents

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.

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

DATE : 23 APRIL 2015

PC :

1. We have heard the learned Counsel for the parties for the purpose of interim relief.

2. Since similar issues have been raised in Writ Petition No.1251 of 2014 and connected matters, following the interim order dated 5 February 2015 read with order dated 13 March

2015 in those petitioners, we pass the following interim order in this group of petitions:-

Sr. no.	N.M./W.P .no.	Name	Plot No./Estates	Plot Area (Sq.Yds/Sq. Mtrs.)	Registration date of documents	R.R.Rate in Rs.	Total amount R.R.Rate X area X 1.33	10% of total amount in Rs.	Transfer Premium amount already paid (in Rs.)
1	900 of 2013 (WP No.868 of 2013)	M/s.Buildarh and another Vs. State of Maharashtra	116, 116-A and 118 Shivaji Park Scheme Estate, C.S.No.1826, 1/1826 and 1828 Mahim Div.	304+ 302 +710 = 1316 sq.yds (254.18 + 252.51 + 593.65 = 1100.34 sq.Mtr.)	20.11.2008	46,600/-	1,57,53,568/-	15,75,400/-	Not Paid
					20.11.2008		1,56,50,064/-	15,65,100/-	
					24.06.2009		3,67,93,239/-	36,79,400/-	
2	WP(L) 2331 of 2014	Laxmikant Dinkar Perulkar and Anr. Vs. MCGM	105, Shivaji Park Estates.	566. Sq.Yds (473.25 Sq.Mtr)	N.A. (Proposed Society)	87,800/- (for the year 2013)	5,52,62,995.50/-	55,26,400/-	Rs.55,26,400/- Rt.No.2724 Dt.22.07.2013
3	310/2014	M/s.Omkar Realtors Developers	I-Sewri Wadala (South) Estates	14393 sq.yds. (12034.38 sq.mtr.)	1) 19.5.2011	42,100/-	66,38,95,121.12/-	6,63,89,512.11/-	7,81,05,520/-
					2) 9.12.2011	42,400/-	76,07,280.80/-	7,60,728.08/-	
					3) 20.6.2012	48,800/-	17,02,431.90/-	1,70,243.19/-	
							Total	6,73,20,483.38	
4	WP (L) 2597 of 2014	M/s.Sarth Tower	39-40 Chowpatty (W) C.S.No.13/380 of Malabar Hill Div.	668 sq.yds (558.53.sq. Mtrs)	25.04.1980	Book not available	3,25,000/-	32,500/-	Rs.81,49,000/- paid as per Hon/High Courts directions
					04.09.2001	81,350/-	7,91,76,500/-	79,17,650/-	
					21.01.2010	1,43,500/-	13,96,65,800/-	1,39,66,580/-	
5	1243/2010 Review (L) 55/2011	Omkar Realtors & Developers Ltd. & Anr.	250B Worli-52 C.S.No.1629 (pt.) of Lower Parel Div.	1293 sq.yds (1081.12. sq.Mtrs)	06.03.2007	40500	58234528.8/-	5823460/-	8,25,00,000/- paid @ 50% Transfer Premium of Index-II
6	2344/2010, WP(L) 939 of 20154	Karp Estate Pvt. Ltd. & Anr.	95, Worli-52, C.S.No.832 & 1/832 of Worli Div.	3091 sq.yds (2584.45 sq.mtrs.)	10.07.2008	1,17,400/-	40,35,41,191.90/-	4,03,54,120/-	Not paid yet
7	1006/2014	Araaish Developers	21, Nagpada C.S.No.1456 of Byculla Div.	894.11 sq.yds (747.58 sq.mtrs)	16.03.2007	34200	34004423.88/-	3400450/-	1,67,63,500/- paid under protest @ 50% Transfer Premium

8	2436/2008	The Great Eastern Shipping Co.Ltd.	134 A Worli-52 C.S.No. 1A/1623	1747 Sq.yds (1460.66 sq.mtrs)	28.08.1997	3,920/-	76,15,296.98	7,61,550	Not paid yet
					17.03.1998	3,920/-	76,15,296.98	7,61,550/-	Not paid yet
9	(L) 3395/2013, 272/2014	M/s.Darshan Group & Anr.	77 SRD (W) C.S.No.671 of Girgaum Div.	894 Sq.yds (747.49 sq.Mtrs) (Res.Area 585.64 sqmtrs & Commercial Area 175.23 sqmtrs)	14.11.2006	28,000/-	3,48,61,000/-	34,86,100/-	Not paid yet
10	2243/2011 SLP 23166/2012	Seatech Estate Pvt. Ltd. & Anr.	4 A Worli-52, C.S.No.A/729 Worli Div.	1467 sq.yds (1226.59 sq.mtrs)	19.07.2005	52000	84830964.40/-	8483100/-	84,00,000/- @ 7% of Consideration Amount mentioned in Index II
11	894/2013	Nival Developers Pvt.Ltd & Others	96 ABC Worli-52 C.S.No.830, 830A, 830B, Worli Div.	4500 sq.yds (3762.57 sq.Mtrs)	04.04.2012	1,24,000/-	62.05,23,044.40/- (4,52,50,00,000/- value shown in Indix-II)	6,20,52,310- (45,25,00,000/- 10% as per Index-II value)	45,25,00,000/- paid @ 10% transfer Premium
12	2345 of 2014	Dilip Piramal	Plot No.67, Worli-52 Estate, C.S.No.788 of Worli Division	2222 sq.yds. (1857.87 sq.mtr)	N.A. (Proposed Society)				
13	725/2011	Shri.Dilip Muzumdar & Ors.	Plot No.126, Dadar Matunga (South) Estate, C.S.No.125/10, Matunga Division	603 sq.yds (504.18 sq.mtrs)	03.05.2005	28,400.00	1,90,43,886.00	19,04,388.00	68,390.00
14	372/2014	Shri.Sahara Fana Parasnath Jain Temple and its Sadharan Fund & Shri.Matunga Kutchhi Murtipujak Jain Sweatababar Sangh Funds Trusts & Ors.	Plot No.450-C, Dadar Matunga (South) Estate, C.S.No.383C/10, Matunga Division	464 sq.yds (387.96 sq.mtrs)	7.3.2003	27,300.00	1,40,86,439.64	14,08,700.00	Rs.32,55,900/- out of Rs.1,13,26,000/-
15	2455 of 2014	Faram Erach Irani	815 Dadar Matunga South, C.S.No.792B, Matunga Division	1250 sq.yds (1045.16 sq.mtrs)	17.3.1990	900 per sq.ft. (9688/- per sq.mtr)	1,34,66,928.40	13,46,700.00	Not paid yet

16	3151 of 2014	Homi Villa C.H.S.Ltd & Ors.	778, Dadar Matunga South, C.S.No.527/10, Matunga Division	711 sq.yds (595.49 sq.mtrs)	15.4.1987	R.R.Book not available	115000/-	11,500.00	Not paid yet
					10.04.1991	900 per Sq.ft. (9688/- per sq.mtr)	76,72,912.46	76,72,950.00	Not paid yet
17	1730/2009	H.M.Holding & Ors	Plot No.8/A, Gamdevi Estate C.S.No.458, Cumballa Malbar Hill Divn.	523 sq.yds (437.29 sq.mtrs)	09.06.2006	1,00,000.00	5,81,59,570.00	58,15,957.00	Nil
18	2674/2012	M/s.Rohan Developers Pvt.Ltd.	Plot No.90, Gamdevi Estates	1662 sq.yds (1389.63 sq.mtrs)	14.12.2005	29,300.00	5,41,52,500.00	54,15,250.00	Not paid yet
19	1091 of 2014	M/s.Shanti & Santosh Developers	Case No.40, Parel Road (North), C.S.No.54(pt) Parel Sewree Division.	10687 sq.yds. (8935.69 sq.mtrs)	14.11.2006	25,500.00	36,40,08,677.60	3,64,00,867.76	Transfer Premium Rs.42,46,650/- accepted without prejudice vide rct No.4751 dt.01.08.2004
					01.08.2007	26,700.00	38,11,38,497.70	3,81,13,849.77	Transfer Premium Rs.54,12,300/- accepted without prejudice vide rct no.4752 dt.01.08.2004

(i) By way of this interim order and subject to payments being made by the respective parties as indicated in the following chart, we direct the Municipal Corporation for Greater Mumbai to consider the pending applications of the petitioners for grant of N.O.C. by the Estate Department and to take decision on the pending applications for building permission, occupation certificate etc. in accordance with law.

(ii) We further direct that alongwith the above amounts mentioned in the above referred chart, the penalty for late filing of the documents shall also be paid to the Estate Department in accordance with the circular, a copy whereof will be given to the petitioners by the Estate Department.

(iii) To be heard alongwith Writ Petition no.1251 of 2014.

(CHIEF JUSTICE)

(G.S.KULKARNI, J.)