

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

**INTERIM APPLICATION NO. 5341 OF 2025
IN
WRIT PETITION NO. 2517 OF 2025**

Vikas Premises Co-operative Society Ltd. ... Applicant

IN THE MATTER BETWEEN

Vikas Premises Co-operative Society Ltd. ... Petitioner

versus

Brihanmumbai Municipal Corporation & Ors. ... Respondents

...

Mr.Milind Sathe, Senior Advocate with Mr.Rohaam Cama and Ms.Vrushali Pokharana i/b. Nankani & Associates for the Applicant/ Petitioner.

Mr.Dhrupad Patil with Ms.K.H.Mastakar i/b. Ms.Komal Punjabi for Respondent Nos. 1 to 4- Municipal Corporation.

Mr.Atul Vanarase, AGP for Respondent No. 5-State.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 1st October, 2025

P.C.:-

1. We have heard the learned Senior Advocate on behalf of the Applicant and the learned Advocate for the Municipal Corporation.

2. A speaking to the minutes motion dated 1st October, 2025 is also circulated by Respondent Nos. 1 to 4, Municipal Corporation, with reference to the order dated 9th September, 2025 passed by this Court. It is recorded in paragraph no.2, that the statement made by the Municipal Corporation before the earlier Bench would continue. The learned Advocate for the Municipal Corporation informs us that it was the learned Predecessor Bench which orally stated that no coercive steps would be taken. The learned Senior Advocate and the learned Advocate, Mr.Cama, confirm the said statement.

3. As such, paragraph no.2 of the order dated 9th September, 2025 shall be replaced with the following sentence :

The oral directions, “no coercive steps would be taken” of the learned Predecessor Bench, would continue.

4. On the aspect of the structural audit of the building to be performed by a competent agency, all the parties are united in submitting that the Head of the Department, Department of Civil Engineering, Indian Institute of Technology Bombay, Powai, Mumbai 400 076, should be

requested to carry out the structural audit to assess as to whether the building would fall in C1 Category or C2A Category. The expenses for the structural audit would be borne by the Applicant. The Municipal Corporation has given its consent on the instructions of the Municipal Commissioner.

5. As such, we request the Head of the Department, Department of Civil Engineering, Indian Institute of Technology Bombay, Powai, Mumbai 400 076, to initiate steps for conducting the structural audit of the building known as 'Vikas Premises Co-operative Society Limited' situated at Vikas, 11, NGN Vaidya Marg, Bank Street, Fort, Mumbai 400 023.

6. It is made clear that the Applicant would bear the charges for the structural audit. If the agency conducting the audit seeks any advance payment or requests for payment at regular intervals, such payments would be cleared by the Applicant, and they should have no issue with this aspect.

7. Liberty is granted to the parties to circulate the Interim Application after the structural audit report is submitted to the Court.

8. Needless to state, the conditions imposed and the directions issued by the learned Predecessor Bench vide oral judgment dated 2nd July,

2025 in Writ Petition (L) No. 19422 of 2025 would continue. So also, the earlier order dated 9th September, 2025 (corrected order), would continue.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)