

**ALONGWITH
NOTICE OF MOTION (L) NO.73 OF 2017
IN
COMMERCIAL SUIT (L) NO.80 OF 2017**

Kinjal M. Shah And Another	...	Plaintiffs
Versus		
M/s. Skyline Construction Co.	...	Defendant

**ALONGWITH
NOTICE OF MOTION NO.113 OF 2017
IN
COMMERCIAL SUIT NO.160 OF 2017**

Rajeev R. Chaudhari And Another	...	Plaintiffs
Versus		
M/s. Skyline Construction Co.	...	Defendant

**ALONGWITH
NOTICE OF MOTION NO.173 OF 2017
IN
COMMERCIAL SUIT NO.206 OF 2017**

Bhaskar Verma And Another	...	Plaintiffs
Versus		
M/s. Skyline Construction Co.	...	Defendant

**ALONGWITH
NOTICE OF MOTION NO.283 OF 2017
IN
COMMERCIAL SUIT NO.328 OF 2017**

Mrs. Pratibha Ladha And Another	...	Plaintiffs
Versus		
M/s. Skyline Construction Co.	...	Defendant

**ALONGWITH
NOTICE OF MOTION NO.284 OF 2017
IN
COMMERCIAL SUIT NO.346 OF 2017**

Ansuya Prasad Purohit And Another ... Plaintiffs
Versus
M/s. Skyline Construction Co. ... Defendant

**ALONGWITH
COMMERCIAL SUIT (L) NO.321 OF 2017**

Yashasvi H. Mehta And Another ... Plaintiffs
Versus
Skyline Construction Co. ... Defendant

**ALONGWITH
NOTICE OF MOTION (L) NO.344 OF 2017
IN
COMMERCIAL SUIT (L) NO.321 OF 2017**

Yashasvi H. Mehta And Another ... Plaintiffs
Versus
Skyline Construction Co. ... Defendant

**ALONGWITH
NOTICE OF MOTION NO.607 OF 2017
IN
COMMERCIAL SUIT NO.658 OF 2017**

Anjali Ajit Rao And Ajit Vishwanath Rao ... Plaintiffs
Versus
M/s. Skyline Construction Co. ... Defendant

**ALONGWITH
NOTICE OF MOTION NO.627 OF 2017
IN
COMMERCIAL SUIT NO.685 OF 2017**

Prachi Bhobe And Another ... Plaintiffs
Versus
Skyline Construction Co. ... Defendant

**ALONGWITH
NOTICE OF MOTION NO.2094 OF 2017
IN
COMMERCIAL SUIT NO.659 OF 2017**

Mr. Mehul A. Gor And Another	...	Plaintiffs
Versus		
M/s. Skyline Construction Co.	...	Defendant

**ALONGWITH
NOTICE OF MOTION NO.108 OF 2018
IN
COMMERCIAL SUIT NO.710 OF 2017**

Chandralata H. Asarpota And Another	...	Plaintiffs
Versus		
M/s. Skyline Construction Co.	...	Defendant

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Ms. Prachi Bhobe, a/w. Ms. Shweta Merchant, i/b Solicis Lex, for the Plaintiffs.

Mr. Cherag Balsara, a/w. Ms. Neha Joshi, i/b Vidhii Partners, for
Defendant No.1.

Mr. Joaquim Reis, Senior Advocate, a/w. Mr. R.Y. Sirsikar, for Defendant Nos.2 and 3-MCGM.

Ms. Hema Desai, a/w. Mr. Durgaprasad Halwai, i/b. Singhi & Co., for Respondent No.3 in NMCDL/2295/2018 – Bank of Baroda.

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CORAM : S.C. GUPTE, J.

DATE : 29 JANUARY 2019

P.C. :

Heard learned Counsel for the parties. Several orders have been passed in this matter by this Court. One of the orders records the

Defendant developer's commitments to carry out work in relation to the incomplete project. The developer had to complete the work of construction upto 17 floors and also apply for commencement certificate for the upper floors, i.e. floor 18 upwards. In order to assess the performance of the developer in accordance with the bar-chart submitted to this Court and accepted by it, an independent agency was appointed to report to the Court. M/s. Shetgiri & Associates were appointed by the Court as Commissioners to record the status of the work at site. The Court is informed that there is no report placed on record by M/s. Shetgiri & Associates. Mr. Reis, learned Senior Counsel appearing for the Municipal Corporation, Greater Mumbai, informs the Court that keeping in view the new Development Control Rules and their requirements, particularly in connection with higher floors, i.e. in this case, floor 18 upwards, the Municipal Corporation is actively considering a transitional policy and he may be in a position to inform the Court of a policy decision in about three weeks' time. In the premises, the following order is passed:

- (i) M/s. Shetgiri & Associates shall, within a period of two weeks from today, make a report of the current status of construction at site. For the purposes of the report, M/s. Shetgiri & Associates shall visit the site and inspect the progress and status in the presence of representatives of both sides, if any such request is made by the parties, and submit a report without fail latest by 12 February 2019. It will be for the parties to expeditiously communicate this order to M/s. Shetgiri & Associates and co-operate with them for the task to be performed by them. Both the Plaintiffs as well as Defendant No.1 developer may, if they so

choose, file affidavits concerning the progress and status of construction before the next date with advance copies to each other. Such copies may be furnished at least two days before the next date of hearing.

- (ii) Learned Counsel for the Municipal Corporation to report to the Court by the next date, if any transitional policy has been decided by the Municipal Corporation, or, in the alternative, their response to the application, if any, by Defendant No.1, for commencement certificate of higher floors.

2. Learned Counsel for Defendant No.1 states that his client shall apply to the Municipal Corporation for permission to construct further floors, if necessary, with an application for condonation or waiving of such requirements of the new DCR, as may be permissible in law, and produce evidence of such application before the Court by the next date. The statement is accepted.

3. The notices of motion to come up for hearing on 26 February 2019. Office to make available copies of the report to the contesting parties through their Advocates as expeditiously as possible after receipt of the same from M/s. Shetgiri & Associates.

(S.C. GUPTE, J.)