

ITEM NO.1

COURT NO.9

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).257/2010

(Arising out of impugned final judgment and order dated 16/12/2009 in WP No. 1077/2007 passed by the High Court of Bombay)

SUDHIR M KHANDWALA (DEAD) THROUGH LRS.

Petitioner(s)

VERSUS

MUN.CORP.OF GR.MUMBAI &amp; ORS.

Respondent(s)

(With appln.(s) for permission to file supplementary affidavit and office report)

WITH

SLP(C) No. 1843/2010

(With appln.(s) for permission to file additional documents and Interim Relief and Office Report)

SLP(C) No. 2219/2010

(With Interim Relief and Office Report)

SLP(C) No. 18925/2010

(With appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

Date : 17/11/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Kavin Gulati, Sr. Adv.  
Mr. Avi Tandon, Adv.  
Mr. Rohit Sthalekar, Adv.  
Ms. Mukti Chowdhary, AOR

1843/2010 Mr. Shekhar Naphade, Sr. Adv.  
Ms. Vandana Sehgal, Adv.  
Mr. Rohan Thawani, Adv.  
Mr. Hardeep Singh Anand, AOR  
Mr. Anand Daga, Adv.

Mr. Shivaji M. Jadhav, AOR

For Respondent(s) Mr. Shekhar Naphade, Sr. Adv.  
 Ms. Vandana Sehgal, Adv.  
 Mr. Rohan Thawani, Adv.  
 Mr. Hardeep Singh Anand, AOR  
 Mr. Anand Daga, Adv.

Mr. Atul Yeshwant Chitale, Sr. Adv.  
 Mrs. Suchitra A. Chitale, AOR  
 Mr. Chetan Sharma, Adv.

Dr. Rajiv Dhavan, Sr. Adv.  
 Ms. Rashmi Singh, Adv.  
 Mr. Yogesh Adiya, Adv.  
 Mr. T. Mahipal, AOR

Mr. Sanjay Kharde, Adv.  
 Mr. Preshit Surshe, Adv.  
 Mr. Ashok Kumar Juneja, Adv.  
 Mr. Chand Qureshi, Adv.  
 Ms. Chandan Ramamurthi, AOR

Mr. Vivek C. Solshe, Adv.  
 Mr. Nishant Katneshwarkar, Adv.

M/s. Karanjawala & Co.

UPON hearing the counsel the Court made the following  
 O R D E R

SLP(C) No.257/2010 & SLP(C) No.1843/2010

Pursuant to our order dated 11<sup>th</sup> August, 2015, the Municipal Commissioner of Greater Mumbai has passed an order dated 12<sup>th</sup> October, 2015.

The order was passed after hearing all parties concerned including Nova Nirman Nigam (Respondent No.7).

The conclusion of the Municipal Commissioner in the order dated 12<sup>th</sup> October, 2015 is that Building No.7, which is the building in question, can be regularized under the Development Control Regulations, 1991 as

applicable to the Municipal Corporation of Greater Mumbai.

Learned counsel for Nova Nirman Nigam says that he has some objections to the order passed by the Municipal Commissioner. He is at liberty to question the correctness of the order in an appropriate forum.

We make it clear that in view of the order passed by the Municipal Commissioner, we are not adjudicating upon any of the questions that have been raised in the special leave petitions, nor are we commenting on the correctness or otherwise of the impugned judgment and order dated 16<sup>th</sup> December, 2009. We leave the questions open for consideration in an appropriate case.

In view of the above, we dispose of these special leave petitions with liberty as aforesaid.

Pending applications are also disposed of.

SLP(C) No. 2219/2010

Learned counsel for the petitioner says that the penalty amount will be paid within a period of three months from today. We expect the petitioner to pay the penalty amount on or before 29<sup>th</sup> February, 2016.

In view of the above, nothing further survives in the special leave petition, which is accordingly disposed of.

SLP(C) No. 18925/2010

Learned counsel for the petitioner seeks leave to withdraw the special leave petition.

Leave to withdraw is granted.

The special leave petition is dismissed as withdrawn.

(SANJAY KUMAR-I)  
AR-CUM-PS

(JASWINDER KAUR)  
COURT MASTER