

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1083 OF 2007

|Black Hill Investment (P) Ltd. and Ors. |.. Appellant(s) |

Versus

|Bombay Environmental Action Group & Ors. |.. Respondent(s) |

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Judicature at Bombay in Writ Petition No. 1344 of 2000, dated 12.10.2001. By the impugned judgment and order, the High Court has directed the appellants-herein to remove Mezzanine floor said to have been constructed by them.

2. On the last date of hearing, we had requested Shri Shekhar Naphade, learned senior counsel appearing for the Pune Municipal Corporation to find out whether the construction of Mezzanine floor by the appellants-herein is in contravention of the Development Control Rules of Pune Municipal Corporation, Pune (for short, 'the Rules').

3. Learned senior counsel, on instructions, would submit that the construction of Mezzanine floor by the appellants is not in contravention of the aforesaid Rules.

4. In view of the statement so made by the learned senior counsel Shri Naphade, in our opinion, the High Court was not justified in directing the appellants-herein to remove the mezzanine floor said to have been constructed by them.

5. In view of the above, we allow this appeal and set aside the orders and directions issued by the High Court insofar as Plot Nos. 92-93 in Writ Petition No. 1344 of 2000 are concerned.

6. The Civil Appeal is disposed of accordingly.

Ordered accordingly.

.....J.  
[ H. L. DATTU ]



for M/S. Lawyer'S Knit & Co,Adv.

Mr. Shekhar Naphade, Sr. Adv.  
Mr. Makarand D Adkar, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Vishwajit Singh, Adv

Mr. Sibho Sankar Mishra, Adv.

Mr. Pratap Venugopal, Adv.  
Ms. Meenakshi chauhan, Adv.  
Mr. Anuj, Adv.  
for M/S. K.J. John & Co., Adv.

Mr. E.R. Kumar, adv.  
Mr. K. Raj, Adv.  
Ms. Nandita Bajpai, Adv.  
for M/S. Parekh & Co., Adv.

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Mr. V. Giri, Sr. Adv.  
Mr.Gaurav Agrawal, Adv.  
Mr. Shankar Narayanan, Adv.

For Respondent(s) Ms. Radhika Gautam, Adv.  
Mr. E.C. Agrawala,Adv.

Mr. V.N. Raghupathy ,Adv

Mr. B.K. Mishra, Adv.  
Ms. Aparna Jha, Adv.  
Mr. Siddhartha Arya, Adv.

Ms. Asha G. Nair, Adv.

Mr. P.V. Yogeswaran, Adv.

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

C.A. No. 1083 of 2007

The appeal is allowed in terms of the signed order.

In Rest of the matters

List after Diwali vacation.

| [ Charanjeet Kaur ] | | [ Vinod Kulvi ] |  
|Court Master | |Asstt. Registrar |

[ Signed order is placed on the file ]