

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(S). 9702/2024

KUKREJA CONSTRUCTION COMPANY & ORS.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 30550/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 9706/2024 (III)

C.A. No. 9711/2024 (III)

(IA No. 122303/2021 - APPLICATION FOR PERMISSION

IA No. 62030/2021 - MODIFICATION OF COURT ORDER

IA No. 29339/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 79828/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 189709/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 9709/2024 (III)

C.A. No. 9704/2024 (III)

C.A. No. 9703/2024 (III)

C.A. No. 9705/2024 (III)

C.A. No. 9707/2024 (III)

C.A. No. 9710/2024 (III)

(IA No. 56403/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 9708/2024 (III)

C.A. No. 9712/2024 (III)

(IA No. 4655/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-09-2024 These appeals were called on for pronouncement of judgment today.

For Appellant(s) Ms. Asha Gopalan Nair, AOR
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Ms. Apoorva Kaushik, Adv.
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Ms. Mallika Agarwal, Adv.
Ms. Bagavathy Vennimalai, Adv.
Ms. Alankrita Sinha, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nair, Adv.

Hon'ble Mrs. Justice B.V. Nagarathna has pronounced the judgment of the Bench comprising her Ladyship and Hon'ble Mr. Justice Nongmeikapam Kotiswar Singh.

The operative portion in terms of signed reportable judgment, reads as under:

"20. Consequently, the civil appeals filed by the writ petitioners/appellants herein are allowed as under:

(i) Those portions of the impugned order dated 18.12.2018 by which the writ petitions were dismissed on the ground of delay and laches are set aside and the respondent Mumbai Municipal Corporation is directed to consider the case of those writ petitioners/appellants herein in light of the judgments of this Court in *Godrej & Boyce I* and release the balance FSI/TDR to the appellants.

(ii) However, in the case of appellant-Kukreja Construction company and others, the Mumbai Municipal Corporation is directed to consider the nature of the amenities constructed and thereafter to consider their case for additional FSI/TDR.

(iii) The said exercise shall be carried out as expeditiously as possible and within a period of three months from today.

20.1 The Civil Appeals filed by the Mumbai Municipal Corporation are dismissed and the cases of the respondents in those civil appeals shall be considered in terms of the judgments of this Court in *Godrej & Boyce I* and the balance FSI/TDR shall be released to the respondents therein within a period of three months from today."

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(SIGNED REPORTABLE JUDGMENT IS PLACED ON THE FILE)

(DIVYA BABBAR)
COURT MASTER (NSH)