

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). 5273/2019

(Arising out of impugned final judgment and order dated 18-12-2018 in WP No. 1898/2009 passed by the High Court Of Judicature At Bombay)

KUKREJA CONSTRUCTION COMPANY & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

([TO BE TAKEN UP IMMEDIATELY AFTER FRESH MATTERS]
IA No. 30550/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 15702/2019 (IX)

SLP(C) No. 8204/2019 (IX)

SLP(C) No. 8664/2019 (IX)

SLP(C) No. 10430/2020 (IX)

(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/ANNEXURESIA No. 79828/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURESIA No. 189709/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 8520/2019 (IX)

SLP(C) No. 8552/2019 (IX)

SLP(C) No. 8704/2019 (IX)

SLP(C) No. 5745/2020 (IX)

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

SLP(C) No. 13365/2019 (IX)

SLP(C) No. 606/2023 (IX)

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

contd..

Date : 06-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Parties

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Ms. Prachi Pratap, Adv.
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Mr. Gaurav Gopal, Adv.
Mr. Raghav Gupta, Adv.
Mr. Chiranjivi Sharma, Adv.
Ms. Apoorva Kaushik, Adv.
Mr. Vasu Gupta, Adv.
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Mr. Amar Dave, Sr. Adv.
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Mr. Chiranjivi Sharma, Adv.
Ms. Apoorva Kaushik, Adv.

Contd..

Mr. Vasu Gupta, Adv.
Mr. Uday Mathur, Adv.
Mr. Pranaya Goyal, AOR

Ms. Liz Mathew, Sr. Adv.
Mr. Phiroze Merchant, Adv.
Ms. Mamta Singh, Adv.
Ms. Nikita Jadhav, Adv.
Ms. Alankrita Sinha, Adv.
Ms. Anchala C, Adv.
Ms. Mallika Agarwal, Adv.
Mr. Navneet R., AOR

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

Mr. ANS Nadkarni, Sr. Adv.
Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nair, Adv.

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

Learned senior counsel and learned counsel for the private petitioners submitted in unison that those cases, in which they are appearing, do not pertain to any claim made under Regulation 33(1) of the Development Control Regulations, 1991 (DCR, 1991); that their claim for 100% TDR was made only under Regulation 34 for development of amenities before the High Court. They further submitted that there is no controversy with regard to applicability of Regulation 33(1) to their cases as that provision has already been applied and benefit has been derived by them.

They further submitted that their entire claim before the High Court was with regard to 100% of the TDR rights under Regulation 34 as earlier only 25% had been granted. Hence, their

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writ petitions were on the basis of the ratio of the judgment of *Godrej and Boyce Manufacturing Co. ltd. Vs. State of Maharashtra and Ors.*, decided by this Court in the year 2009.

They further stated that the High Court had simply dismissed their writ petitions on the ground of delay and laches and had not gone into their aspects of their entitlement *dehors* the delay.

Shri ANS Nadkarni, learned senior counsel appearing for the respondent(s)-Municipal Corporation to seek instructions in respect of three entities, namely, Estate Investment Company Ltd.; Ever-smile Construction, who have been given benefit under Regulation 34 of the DCR, 1991 and in the case of New India Construction Ltd. (Writ Petition No.1860/2017), where the Municipal Corporation has accepted the order of the High Court and no special leave petition has been preferred before this Court.

List on 13.08.2024 at 2.00 P.M.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
COURT MASTER (NSH)