

ITEM NO.1

COURT NO.11

SECTION IX

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. 3489/2012

TCI INDUSTRIES LTD. SECUNDERABAD

Appellant(s)

VERSUS

MUN.CORP.OF GR.BOMBAY AND ORS.

Respondent(s)

(ONLY I.A. NO. 72736/2022 IN C.A NO. 3489/2012 IS LISTED
IA No. 72736/2022 - CLARIFICATION/DIRECTION)

WITH

C.A. No. 10958/2013 (III)

Date : 11-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Appellant(s)

Mr. Shekhar Naphade, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. S. Sahil Reddy, Adv.
Ms. Kamakshi Sehgal, Adv.
Ms. Sukriti Bhatnagar, Adv.
Ms. Aishwarya Dash, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

Mr. Anand Sukumar, Adv.
Mr. S. Sukumaran, Adv.
Mr. H. A. Pimple, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, AOR

Mr. Balbir Singh, ASG
Mr. R. Balasubramanian, Sr. Adv.
Mr. Shyam Gopal, Adv.
Mr. S.K. Singhania, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Ankur Talwar, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Sachin Patil, AOR

Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.

contd..

Mr. Geo Joseph, Adv.
Ms. Shewtal Shepal, Adv.
Mr. Risvi Muhammed, Adv.

Mr. Nitin S. Tambwekar, Adv.
Mr. Seshatalpa Sai Bandaru, AOR

Mr. Kush Chaturvedi, AOR

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

IA No. 72736/2022 in C.A. No. 3489 of 2012:

The present application has been preferred by the applicant/TCI Industries Limited praying for the following reliefs -

"(a) Direct the respondent no.1 to permit the Appellant to carry out required reconstruction/restoration works of sea retaining wall/seaside platform & damaged structures on the subject property being land admeasuring about 39,276 sq mts. bearing City Survey Nos.18/69, 19/69 and 128 of the Colaba division in the South of Mumbai, Maharashtra; and

(b) pass any such further order/orders at thus Hon'ble Court may deem fit and proper, in the facts and circumstances of this present case."

Pursuant to the earlier order passed by this Court, the Municipal Corporation of Greater Mumbai has filed a Status Report in which in paragraph 4 (a to e), it is stated as under -

"a) The subject property is bounded by Arabian Sea on East Side, INS Shikra Indian Navy on North Side boat repairing workshop of Indian Navy, property of Mumbai Port Trust and N.A. Sawant Marg on West side and Sea facing Sassoon Dock on South side.

b) On South East side of the property, load bearing stone masonry Sea retaining wall of approx 40 mt. Length, 1.5 mt. Width and 5.0 mt height and the adjoining large platform area has been completely washed away.

c) The structure abutting East side platform has been partially washed away and the remaining part of the structure is in dilapidated/damaged condition.

Contd..

d) On North East side of the property, outside of the boundary of TCI Industries Ltd., load bearing stone masonry Sea retaining wall and platform belonging to Mumbai Port Trust of approx 35 mt. Length, 1.5 mt. Width and 5.0 mt. Height has been completely washed away.

e) The compound wall along with the large area of the TCI Industries Ltd. abutting the Sea retaining wall and platform of Mumbai Port Trust on North East side of the property has been washed away. A copy of the inspection report alongwith photographs dated 22.06.2022 is annexed herewith and marked as ANNEXURE R-1.

Having heard Shri Shekhar Naphade, learned Senior Advocate appearing on behalf of the applicant, Shri Balbir Singh, learned ASG appearing on behalf of the Navy and the learned counsel appearing on behalf of the Municipal Corporation of Greater Mumbai and the fact that even as per the Corporation also, the boundary wall is washed away and is required to be repaired and some part of the structure is in dilapidated/damaged condition, we permit the applicant to carry out required re-construction/restoration works of sea retaining wall/sea site platform at their own cost and under the supervision of the officer to be deputed by the Commissioner of the Municipal Corporation of Greater Mumbai. It goes without saying that the applicant shall be permitted to have all precautionary measures for the purpose of carrying out the aforesaid work.

However, it is observed that by permitting the applicant to carry out the required re-construction/restoration works of sea retaining wall/sea site platform, the applicant shall not claim any equity in future and shall not claim any right on that basis alone.

With the above observation, the Interlocutory Application stands disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

