

ITEM NO.53

COURT NO.7

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 for Special Leave to Appeal (C) No...../2015

CC No. 5916/2015

(Arising out of impugned final judgment and order dated 03/12/2014
in NOM No. 615/2014 in WP No. 1087/2014 passed by the High Court
Of Bombay)

MUNICIPAL CORPORATION OF GR. MUMBAI AND ANR.

Petitioner(s)

VERSUS

ROHAN DEVELOPER PVT. LTD. AND ORS.

Respondent(s)

I.A. 1/2015(with c/delay in filing SLP and office report)

Date : 15/05/2015 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

Mr. Dhruv Mehta, Sr. Adv.

Mr. J.J. Xavier, Adv.

Ms. Jayashree Wad, Adv.

Mr. Ashish Wad, Adv.

Ms. Kanika Baweja, Adv.

Mr. Anshuman Srivastava, Adv.

Ms. Promita Majumdar, Adv.

For M/s. J. S. Wad & Co., Adv.

For Respondent(s)

For RR 1 & 2

Mr. Rakesh Kumar Khanna, Sr. Adv.

Mr. Aman Vachher, Adv.

Mr. Ashutosh Dubey, Adv.

Mr. Harsh Sharma, Adv.

Mr. Abhishek Chauhan, Adv.

Mr. Anirudh Tanwar, Adv.

Mr. P. N. Puri, A.O.R.

For State

Mr. Nishant R. Katneshwarkar, A.O.R.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned

The petitioners are aggrieved by the order of the Division Bench of the Bombay High Court dated 3rd December, 2014 wherein paragraph 7 interim directions were issued and resultantly, the petitioners have been directed as under:-

"7. Having heard the learned counsel for the parties, we are of the view that interests of justice will be served if the following interim directions are given:

(a) The Municipal Corporation shall consider and process the petitioner's application dated 17 October 2013 for development permission in accordance with law for the petitioner's project on land bearing City Survey No. 410, which is the area known as "Hughes Road, Mumbai". In case the State Government accepts the proposal of 1999 but not the modified proposal of 2007, then nothing further is required to be done;

(b) In case the State Government accepts the proposal of 1999 but not the modified proposal of 2007, then nothing further is required to be done;

(c) However, if the State Government accepts the proposal of 2007 for reducing the area of Marine Drive Heritage precincts, then the Municipal Corporation shall proceed to take final decision in the matter of issuance of IOD upon compliance with all the statutory requirements;

(d) In case the State Government does not take any decision to include the land bearing City Survey No. 410 into the proposed Marine Drive Heritage Precincts by 31st January, 2015, the Municipal Corporation shall issue IOD in accordance with law upon compliance with all the statutory requirements by

15 February, 2015 and the petitioner shall not commence construction till 28 February, 2015."

When this Special Leave Petition was listed earlier after notice, based on the representation made on behalf of the petitioners by the learned Attorney General, we recorded the stand taken on behalf of the State Government, that the State Government will take a decision as regards proposed modified Master Plan relating to the Marine Drive precincts and based on the said decision the petitioners will be able to consider the grievance of the respondents and also implement the direction of the Division Bench of the High Court made in paragraph 7.

Today, the relevant Government Order of the State Government dated 5th May, 2015 by way of Resolution No. TPB 4315/28/CR-12/2015/UD-II has been placed before us along with the Plan attached with it. Based on the said Notification, it was submitted before us on behalf of the petitioners that the petitioners will now consider the respondents' application

dated 17th October, 2013 for sanction of the Plan and only prayed for extension of time referred to in paragraph 7 of the Division Bench order wherein the petitioners were directed to consider and comply with the directions by 15th February, 2015. Having regard to the subsequent development by way of present Resolution passed by the State Government on 5th May, 2015, we extend the time by one month from today i.e. 15th February, 2015 shall stand altered as 15th June, 2015.

With the above limited modification extending the time for compliance, the Special Leave Petition stands disposed of.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER