

ITEM NO.27 + 28 COURT NO.7 SECTION IX  
 SUPREME COURT OF INDIA  
 RECORD OF PROCEEDINGS

M.A. Nos.1660-1661/2017 in SLP(C) Nos.24660-24661/2016

(From the final judgment and order dated 26.02.2016 and 29.02.2016 in Civil Application No.221 of 2013 in Public Interest Litigation No.217 of 2009 passed by the High Court of Bombay)

THE MAHARASHTRA CHAMBER OF HOUSING INDUSTRY Petitioner(s)  
 VERSUS

MUNICIPAL CORPORATION OF GREATED MUMBAI & ORS. Respondent(s)

(ON IA 131867/2017 FOR MODIFICATION/RECALL OF THIS COURT'S ORDER DATED 16.08.2016 PASSED BY THIS COURT IN SLP(C) Nos.24660-24661/2016)

With SLP(C) No.D23708/2017 (FOR ADMISSION AND I.R. AND I.A. NO.73411/2017 - CONDONATION OF DELAY IN FILING SLP AND I.A. NO.73415/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND I.A. NO.73414/2017 - PERMISSION TO FILE LENGTHY LIST OF DATES AND WITH I.A. NO.129680/2017 - MODIFICATION/RECALL THIS COURT'S ORDER DATED 16.08.2016 PASSED BY THIS COURT IN SLP(C) Nos.24660-24661/2016)

Date : 05-12-2017 These matters were called on for hearing today.  
 CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
 HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.  
 Mr. Mukul Rohatgi, Sr. Adv.  
 Mr. Kunal Vajani, Adv.  
 Ms. Padhmalakshmi Iyengar, Adv.  
 Mr. Nikhil Rohatgi, Adv.  
 Mr. Shubham Kulshreshtha, Adv.  
 Ms. Priyakshi Bhatnagar, Adv.  
 Ms. Bindi Girish Dave, AOR

Mr. Shyam Divan, Sr. Adv.  
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 Mr. Kunal Vajani, Adv.  
 Ms. Padhmalakshmi Iyengar, Adv.  
 Mr. Nikhil Rohatgi, Adv.  
 Mr. Shubham Kulshreshtha, Adv.  
 Ms. Priyakshi Bhatnagar, Adv.  
 Mr. Pranaya Goyal, AOR.

Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.  
 Mr. Dhruv Mehta, Sr. Adv.  
 Mr. J.J. Xavier, Adv.  
 Mr. Ashish Wad, Adv.  
 Mrs. Jayashree Wad, Adv.  
 Ms. Paromita Majumdar, Adv.  
 Ms. Sukriti Jaggi, Adv.

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

Mr. C.U. Singh, Sr. Adv.

Mr. Rishabh Parikh, Adv.

Mr. E.C. Agrawala, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned Senior Counsel appearing for the parties and perused the applications for modification/recall of this Court's order dated 16.08.2016 in SLP(C) Nos.24660-24661 of 2016.

Having regard to the circumstances of the case and the importance of the matter which affects the construction activities in the entire city of Mumbai, we consider it appropriate to modify our earlier order dated 16.08.2016 passed in SLP(C) Nos.24660-24661 of 2016, by expressly granting liberty to the petitioner to challenge the impugned PIL order as well as the impugned Review order before this Court.

We order accordingly.

Hence, the aforesaid applications for modification/recall are disposed of in the above terms.

In SLP(C) No.D23708/2017, Mr. Ranjit Kumar, learned Senior Counsel appearing for Respondent No.1 prays for and is granted two weeks' time to file additional affidavit on behalf of respondent no.1.

Today when the matter was taken up, Mr. Shyam Divan, learned Senior Counsel appearing for the petitioner in SLP(C) No.D23708/2017, handed over a compilation of documents in the Court which is accepted and taken on record.

List the matter thereafter on 09.01.2018.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASST.REGISTRAR