

**mamata**

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**From:** secretariat [secretariat@mchi.net]  
**Sent:** Tuesday, July 02, 2013 8:01 PM  
**To:** 'President-MCHI-CREDAI'; 'Hon. Secretary - MCHI-CREDAI Nainesh Shah'; 'MCHI-CREDAI – CEO'  
**Subject:** Writ Petition filed by MCHI in the matter of MoEF disposed off by the Hon'ble High Court  
**Attachments:** MCHIGEN13-14016.pdf; MOEF WP Final Order.pdf



Ref. No. MCHI/GEN/13-14/016

July 2, 2013

To,  
All Members of MCHI-CREDAI & MCHI-CREDAI Units

Sub: Writ Petition No. 1180 of 2012 filed by MCHI in MoEF Matter

Ref: Office Memorandum of MoEF dtd. 07<sup>th</sup> February 2012

Dear Sirs,

MCHI-CREDAI has filed the Writ Petition No. 1180 of 2012, challenging the above referred Office Memorandum, under which there were restrictions of the height of the building in relation to the width of the road and distance of nearest fire station to the project site. Even though in essence, the said Office Memorandum was the guideline but the State Level Expert Appraisal Committee was treating the said guidelines as mandatory and binding and were rejecting the proposals submitted by the developer on the ground of insufficient road width etc. Aggrieved by the said attitude and rejections of the proposal submitted by the Members of MCHI-CREDAI, the above referred Writ Petition was filed.

On 10<sup>th</sup> April 2013, the division bench consisting of Justice Mr. A. S. Oka & Justice Mrs. Mridula Bhatkar categorically stated that the said Memorandum is merely advisory in nature. Considering the various meetings held by MCHI's President and others with the concerned competent authorities and considering the legal position the government issued Memorandum dtd. 06<sup>th</sup> June 2013 wherein it was accepted that the Office Memorandum earlier issued was advisory in nature.

On 24<sup>th</sup> June 2013, the said Writ Petition appeared for final hearing before the Division Bench consisting of Justice S. J. Vazifdar & Justice M. S. Sonak, considering the submissions made by all the parties and recent Office Memorandum dated 06<sup>th</sup> June 2013, it was observed by the Hon'ble High Court that the authorities shall therefore process the applications of the Petitioner's Members in accordance with the law of the state and in the light of the said observation the Writ Petition was disposed off.

MCHI-CREDAI has successfully fought this litigation. A copy of the Final Order is attached herewith for your reference.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 1180 OF 2012**

Maharashtra Chamber of Housing Industries

... Petitioner

Vs

1. The Union of India & Ors.

... Respondents

Mr. Kingshuk B. with Ms. Prachi Dhanani i/b Wadia Ghandy & Co.  
for the Petitioner.

Dr. G.R. Sharma with Mr. G. Hariharan, Mr. D.P. Singh i/b Mr. Pankaj  
Kapoor for the Respondent No.1 – Union of India.

Mr. D.A. Nalawade, Government Pleader, with Mr. B.B. Sharma,  
AGP, for the Respondents Nos.2 & 4.

**CORAM : S.J. VAZIFDAR, &  
M.S. SONAK, JJ.**

**MONDAY, 24TH JUNE, 2013**

**P.C.:**

1. The petitioners had challenged an Office Memorandum dated 7<sup>th</sup> September, 2012 (Exhibit-A to the petition). This Office Memorandum stands superseded by the Office Memorandum dated 6<sup>th</sup> June, 2013, a copy whereof was tendered in Court by the learned

counsel appearing on behalf of the respondent No.1, taken on record and marked "X". The authorities shall, therefore, process the application of the petitioners members in accordance with law.

2. The Writ Petition is disposed of accordingly. Needless to add that the rights and contentions of the parties in respect of the future grievances are kept open. There shall, however, be no order as to costs.

**M.S. SONAK, J.**

**S.J. VAZIFDAR, J.**