

ITEM NO.61

COURT NO.11

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 SPetition for Special Leave to Appeal (C).....of 2016  
CC No. 14855/2016

(Arising out of impugned final judgment and order dated 26/02/2016 and 29/02/2016 in Civil Application No. 221/2013 in Public Interest Litigation No. 217 of 2009 passed by the High Court Of Bombay)

MAHARASHTRA CHAMBER OF HOUSING INDUSTRY

Petitioner(s)

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI AND ORS. Respondent(s)

(With appln. (s) for permission to file SLP, refiling SLP and office report)

Date :16/08/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. P. Chidambaram, Sr. Adv.

Dr. A.M. Singhvi, Sr. Adv.

Mr. Kunal Vajani, Adv.

Mr. Abhishek Prasad, Adv.

Ms. Jasmine Sheth, Adv.

Ms. Bindi Girish Dave,AOR

For Respondent(s)

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

Permission to file the special leave petitions  
is granted.

Delay condoned.

Heard Shri P. Chidambaram and Dr. A.M. Singhvi,  
learned senior counsels for the petitioner.

Clearly, learned senior counsels have appeared for a party which was not a party before the High Court. Important questions, however, have been raised, such as, the desirability of bar new construction even though such construction creates the least amount of debris. According to the learned senior counsels, the order causes immense financial hardship to the members of the petitioner who have all incurred financial obligations for the proposed projects.

It is also pointed out that new Rules, namely, the Construction and Demolition Waste Management Rules, 2016 framed by the Central Government provided for adequate protection against the problem dealt with by the High Court. However, we are not inclined to go into the matter, since these aspects were not raised before the High Court.

In the circumstances, we permit the petitioner to approach the High Court with a review petition along with appropriate application for impleadment. The High Court shall decide the issues raised by the petitioner afresh, as expeditiously as possible.

The special leave petitions are disposed of accordingly.

[ Charanjeet Kaur ]  
A.R.-cum-P.S.

[ Indu Pokhriyal ]  
Court Master