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for Highrise  
Bldge.

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**BRIHANMUMBAI MAHANAGARPALIKA**  
**LEGAL DEPARTMENT**

Date – 15.01.2019

Ref: **IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**MISCELLANEOUS APPEAL NO.445 OF 2017**

**IN**  
**CIVIL APPEAL NO. 11150 OF 2013**  
**(ARISING OUT OF SLP (CIVIL) NO.33402 OF 2012)**

**Municipal Corporation of Greater Mumbai ..Petitioner**  
**V/s**  
**Kohinoor CTNL Infrastructure Pvt.Ltd.&Anr ...Respondents**

**Sub :** Change the criteria for scrutiny of proposals for High Rise buildings in MCGM limit by High Rise Committee from Building having height from 70m to 120m

The MCGM has filed the Miscellaneous Appeal No.445 of 2017 in Civil Appeal No. 11150 of 2013 (arising out of SLP(CIVIL) No.33402 of 2012). The aforesaid application was made for seeking appropriate order(s) directions(s) on the basis of reports of sub-committee accepted by technical study group to change the height limit of 70 meter to 120 meter to scrutinise the proposal of High Rise Buildings by High Rise Committee in MCGM limit. The prayers sought by the MCGM in the aforesaid application as reproduced as under :

a) take on record the Report of the "Sub-Committee" dated 25/02/2016 headed by Municipal Commissioner Mumbai and accepted by the "Technical Study Group" headed by Chief Secretary GoM in it meeting held on 26.12.2016.

b) Change the criteria for scrutiny of proposals for High Rise buildings in MCGM limit by High Rise Committee from Building having height from 70m to 120m.



ITEM NO.57

COURT NO.12

SECTION III

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

MA No.445/2017 in C.A. No.11150/2013

(Arising out of impugned final judgment and order dated 17-12-2013  
in C.A. No. No. 11150/2013 passed by the Supreme Court Of India)

MUNICIPAL CORPORATION OF GREATER MUMBAI

Petitioner(s)

VERSUS

KOHINOOR CTNL INFRASTRUCTURE COMPANY PRIVATE  
LIMITED

Respondent(s)

(IA 5475/2018)

Date : 07-01-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. R.P. Bhati, Sr. Adv.  
Mr. Jernold J. Xavier, Adv.  
Mr. S. Sukumaran, Adv.  
Mr. Anand Sukumar, Adv.  
Mr. Bhupesh Kumar Pathak, Adv.  
Mrs. Meera Mathur, AOR

For Respondent(s)

Mr. Shyam Divan, Sr. Adv.  
Mr. Anand Verma, Adv.  
Mr. Shwetank Singh, Adv.

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

Mr. Rohatgi learned senior counsel submitted that in view of  
the promulgation of Draft Development Plan 2034 under MR & TP Act,  
1966, this miscellaneous application has become infructuous.

Accordingly, miscellaneous application is dismissed as has  
become infructuous.

Digitally signed by  
ARJUN BISHT  
Date: 2019.01.07  
17:50:25 +05'30  
Reason:

(ARJUN BISHT)  
COURT MASTER (SH)

(RENU KAPOOR)  
COURT MASTER (NSH)

The aforesaid matter is listed before the Hon'ble Supreme Court of India on 7.01.2019 before Hon'ble Mr.Justice Ashok Bhushan & Hon'ble Mr.Justice K.M.Joseph on the said date Ld.Senior Counsel Shri Mukul Rohatgi submitted that in view of the promulgation of Draft Development Plan 2034 under MR& TP Act,1966, this miscellaneous application has become infructuous.

It is seen that Regulation 19 of DCPR 2034 which deals with public street and means of access under which the High rise and special buildings are included.

In view of the submission made by the Senior Counsel Mukul Rohatgi the Miscellaneous Application is dismissed and become infructuous. The copy of the order 7.01.2019 is enclosed herewith for your perusal and ready reference.

As the DCPR 2034 is already implemented you are at liberty to follow the said regulation as stated above.

Lct/548  
15.01.19

✓ Shri R.B.Zope  
Ch.Eng.(DP)

  
J.J. Xavier  
Law Officer

बृहन्मुंबई महानगर पालिका			
प्रमुख अभियंता (विकास नियोजन)			
याचे कार्यालय			
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क्र.अ./दि.नि/			
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