

02  
2014

wp.366-2014

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

WRIT PETITION NO. 366 OF 2014

D. B. Realty Limited  
& Another  
V/s.  
State of Maharashtra  
& Others

Petitioners.

Respondents.

WITH  
WRIT PETITION NO.4445 OF 2014  
WITH  
WRIT PETITION (L) NO.1040 OF 2014  
WITH  
WRIT PETITION (L) NO.719 OF 2014  
WITH  
WRIT PETITION (L) NO.1035 OF 2014  
WITH  
WRIT PETITION NO.2532 OF 2014  
WITH  
WRIT PETITION NO.419 OF 2014  
WITH  
WRIT PETITION NO.1419 OF 2014

Dr. Virendra Tulzapurkar, Sr. Advocate with Mr. Sanjay V. Kadam, Ms. Apeksha Sharma, Mr. Sanjeel S. Kadam i/b. Kadam & Co., for the Petitioner in W. P No.4445 of 2014.  
Mr. Pravin Samdani, Sr. Advocate with Mr. Patni, Mr. Swapnil Khatri, Ms. Kalyani Shukla, Mr. Satyendra Kumar i/b. Wadia Gandhi & Co., for the Petitioner in W. P. (L) No.1040 of 2014.  
Mr. Aspi Chinoy, Sr. Advocate with Ms. Jyoti Singh i/b.Negandhi Shah & Himayatullah, for the Petitioner in W. P No.366 of 2014.  
Mr. S. S. Pakale with Ms. Yamuna Parikh, for Respondent-BMC.  
Mr. Shekhar Naphade, Sr. Advocate with Mr. Anirudha Joshi & Ms. Pratiti Naphade i/b. Law Focus, for the Petitioner in WE(L) No.719 of 2014.  
Mr. Anirudha Joshi i/b. Maniar Srivastave Associates, for the Petitioner in W.P. (L) No.1035 of 2014.  
Dr. Virendra Tulzapurkar, Sr. Advocate with Mr. Mandar Soman i/b. A. K. Vaidya & Co., for the Petitioner in W. P No.419 of 2014.

Mr. A. A. Kumbhakoni, Sr. Advocate with Mr. Amit Borkar, for the Petitioner in W. P. No.2532 of 2014.

Mr. P. G. Lad, for Respondent No.4 in W. P. No.366 of 2014, for Respondent No.3 in W. P. (L) No.719 of 2014, for Respondent Nos.1 and 2 in W. P. (L) No.1035 of 2014.

Mr. D. J. Khambatta, Advocate General with Mr. J. S. Saluja, AGP and Mr. Vikramaditya Deshmukh, for Respondent Nos.1 and 2 in W. P. No.366 of 2014.

Mr. Milind More, AGP for Respondent No.1-State in W. P. (L) No.719 of 2014.

**CORAM: MOHIT S. SHAH, C.J. &  
M.S.SANKLECHA,J.**

**DATE : 21 JULY 2014.**

**RC:-**

Mr. Khambatta, learned Advocate General for the State Government states under instructions that the State Government will be making amendments in the Development Control Regulation for inclusive housing to allow the developer to provide affordable plots or affordable housing tenements on different plots in the same administrative ward of the Municipal Corporation.

2 The learned Advocate General further states under instructions that there shall be no obligation on the developer to construct affordable housing tenements in re-development projects in accordance with Regulation 2(c) of the Notification for inclusive housing. Out of abundant caution, the State Government will make amendment to the Regulation that the provisions of inclusive housing shall not apply to projects under Regulations 33(5), 33(7), 33(9), 33(10) and 33(14).

**CHIEF JUSTICE**

**(M.S.SANKLECHA,J.)**