

A NARGIS JAL HARADHVALA
v.
STATE OF MAHARASHTRA AND OTHERS
(Civil Appeal No.5989 of 2007)

JANUARY 06, 2015

B [M.Y. EQBAL AND ABHAY MANOHAR SAPRE, JJ.]

Urban Land (Ceiling and Regulation) Act, 1976 – s. 20 – Application under, seeking exemption – Exemption order tentatively specified 30% of the permissible floor space of the exempted land to be sold to Government Nominees – Clarification that the percentage would be prescribed by the Government as per the extent of the land to be exempted – Issuance of corrigendum by the Government that the appellant-land owner to surrender to the Government nominees 20% of the floor space of the first 2000sq.mt. of the net permissible FSI of the land exempted and 30% of the balance sq.mt. permissible – Appellant's case that only 5% area-flats could be claimed in view of the judgment by this Court – Respondent No.3 asking the appellant to surrender 805.58 sq.mt. of area in addition to 303.73 sq.mt. already surrendered by her – Writ petition by appellant, set aside by High Court – On appeal, held: Appellant bound to surrender to the Government a total 20% of the permissible floor space in the light of the corrigendum – Calculating 20% of the floor space, appellant to sell 11 more flats to the persons that may be nominated by the Government.

Allowing the appeal, the Court

G **HELD: Exemption under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 was granted on 17.8.1987 with the condition to surrender 30% of the permissible floor space to the allottees nominated by the Government. It was clarified that the percentage would be**