

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5683 OF 2016

Datta Meghe College of Engineering,
through its Principal

...Petitioner

Versus

All India Council for Technical
Education (AICTE) & Ors.

...Respondents

....
Mr. S.C. Naidu i/b. Mr. A.A. Dandekar for the Petitioner.
Ms Meena Doshi for Respondent Nos.1 and 2.
Mr. P.G. Sawant, A.G.P. For Respondent Nos.3 and 4
Mr. Rui Rodrigues for Respondent No.5.

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE: 13th JUNE, 2016.

P.C. :-

Heard Mr. Naidu, the learned counsel for the Petitioner and Ms Doshi, the learned A.G.P. for Respondent Nos.1 and 2. Arguable points are raised, therefore, we grant rule.

2. By the impugned order Respondent Nos.1 and 2 reduced the intake capacity of the Petitioner to 50%. The intake capacity was reduced on the ground that the Petitioner/Institution has not submitted the occupation certificate in respect of one of the buildings. Mr. Naidu, the learned counsel for the Petitioner/ Institution pointed out the

relevant rules and regulations and submitted that there is no requirement of filing of occupation certificate in respect of existing institutions and this requirement is applicable to the institutions, which commenced the courses from 2016-2017. He also pointed out that said building is completed in the year 2010 in accordance with the approved plan. He submitted that the plan was submitted before the Respondent Nos.1 and 2 as per requirement. Mr. Naidu also submitted that he has already applied to CIDCO and NMMC for occupation certificate in the year 2011 and deposited an amount of Rs.72,84,385/- with the CIDCO as the charges for issuance of the occupation certificate and despite this the Petitioner /Institution is not granted the occupation certificate. He has also submitted that in this circumstances no fault can be found with the Petitioner/Institution. Mr. Naidu also made a statement that within one week he will file undertaking that he would obtain occupation certificate from concerned authorities within six months.

3. Ms Meena Doshi, the learned A.G.P for Respondent Nos.1 and 2 supported the impugned order. She submitted that it is the requirement of law that without occupation certificate no building can be approved and this requirement, though not mentioned in the

concerned rules Petitioners are required to comply with same.

4. Having considered the fact that the Petitioner/Institution is existing since 1988 and since then the approval and the extension of approval granted to them by the Respondent Nos.1 and 2 on year to year basis coupled with the fact that Respondent Nos.1 and 2 did not find any deficiency in the proposal of the Petitioner/Institution and the application for occupation certificate is already submitted by the Petitioner and deposited an amount of Rs.72,84,385/-, we grant interim relief in terms of prayer clauses (c), (d) and (e) subject to Petitioner /Institution filing an undertaking in this Court within a week that it would obtain occupation certificate from concerned authorities within six months from the date of such undertaking. It is made clear that the interim order shall be subject to outcome of the petition. Respondent Nos. 4 and 5 shall pass consequential order.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)