

Criminal proceedings against engg firm in land dispute

By Raju Vernekar

In a unique case, the City Civil and Sessions judge has directed the Registrar of the court to file a complaint before Metropolitan Magistrate, against directors of an engineering company, on charges of misrepresenting facts in a land dispute.

The above directions were given by Ad hoc Judge, K R Joglekar, on December 14, 2018, in response to a Notice



of Motion (No.3476/ 2017) in BCCC suit No.5026/ 2007, filed by Mahadev Koli, the son of the deceased Vitthal Koli, against directors of the Khandelwal Engineering Co Ltd.

The judge directed the Registrar to file a written statement under Sections 191, 192, 193, 196, 199, 200, 465, 466, 467, 468, 471 and 474 of Indian Penal Code, against the company's directors, including Sanjay Patel.

The case dates back to the year 2001, when a tiller Vitthal Koli, owning a agricultural plot of land admeasuring 3 acre/39 guntha (Survey No 26, Plot No 15, 16 and 17) at Mauje Valnai, Malwani (now near existing Evershine Nagar), died on February 7, 2001, leaving behind him six legal heirs 1. Babytai Vitthal Koli (wife), 2. Anandi Shivram Koli (married daughter), 3. Mahadeo Vitthal Koli (son), 4. Kashibai Suresh Koli (married daughter), 5. Krushna Vitthal Koli (son) and 6. Lata Hareshwar Bhandari (married daughter).

However, the company directors, allegedly obtained a consent decree to take over the land under coercion and threats to illiterate widow Babytai and her sons Mahadeo and Krishna without any settlement or payment on June 25, 2002. The present market price of the plot is above Rs 500 crore.

Then a suit (No BCCC suit No 5026/2007) was filed by Vitthal's son Mahadev against Vinod Sharma, one of the directors of Khandelwal Engineering. Subsequently Sharma expired.

The respondents company in an affidavit filed on December 28, 2010, stated that there were only three legal heirs of late Vitthal and therefore the consent term dated June 25, 2002 was correct. The land was non-agricultural and it was in possession of the company from 1970 till 2010, the company claimed.

In the intervening period of December 2, 2010, Vitthal's daughter Anandi, lodged a complaint with the Bangur Nagar Police Station against Sanjay Patel and Kirit Thakkar, representing Khandelwal Engineering, alleging encroachment on her land and threats with dire consequences by the duo.

On December 18, 2010, another complaint (No.1869/2010) was lodged by Vitthal's son Krushna

against the duo, for the offences punishable under Section 504, 506 and 427 of IPC.

The judge noted that although it was clear as per Talathi's report that there were six legal heirs of the deceased Vitthal, the respondent company in consent terms agreement, misrepresented that

there were only three legal heirs and obtained thumb impression of Vitthal's wife on the said consent terms. Therefore the consent term was incorrect. The judge also referred to the talathi's recent report dated April 19, 2014, which specifically mentioned Vitthal left behind six legal heirs.

The judge stated that "from the above material, it is crystal clear that father of the applicant (Babytai) was cultivating the suit land before "Tillers Day" (i.e. April 1, 1957) and he was declared "Tenant". The tehsildar, had also fixed the purchase price of the land as per order dated December 12, 1994, and accordingly a certificate was issued in favour of late Vitthal".

Besides the writ Petitions (No1743/ 1998) and (1668/1999) filed by the defendant company were null, void and illegal and were not binding upon the plaintiffs, the judge noted.

Advocates Nilesh Ojha, VijayKurlle and Ishwarlal Agarwal represented the complainants in a long drawn legal battle to save ancestral plot.

Versova bridge repairs to finish on time

By Suresh Golani

Despite a delayed start, the ongoing repair and maintenance work of the Mumbai-bound Versova Creek bridge remains on track and is expected to be completed by the originally projected date of December 25, set by the National Highway Authority of India (NHAI).

The crucial bridge - which links Mumbai to Gujarat, New Delhi and other major cities - has been under repairs since December 8. Originally the month long work was scheduled to begin on November 26, as per the official government notification.

Confident of completing the work within the stipulated deadline, despite a delayed start, a senior NHAI official said, "While one side of the bridge has been repaired, work is going on in full swing on the other side. We expect to complete the entire work by December 25. The bridge will be in a fully



operational mode after a thorough inspection."

While light motor vehicles are allowed to use only one side of the two-lane Mumbai-bound bridge, heavy vehicles which have been completely barred from using the bridge are being directed via the Manorwada-Bhiwandi-Thane and Shirsat Phata-Ganeshpur-Vrajeshwari-Bhiwandi-Thane routes. This apart from an option of using the Chinchoti-Kaman-Anjur Phata-Bhiwandi-Thane route, Traffic Police personnel said.



MUMBAI BUILDING REPAIR AND RECONSTRUCTION BOARD (Unit of MHADA) TENDER NOTICE



The Executive Engineer E-1 Div. of Mumbai Building Repairs and Reconstruction Board invite sealed tenders in B-1 form (percentage rates) from eligible contractors who are registered with MHADA/M.C.G.M./CIDCO/PWD/CPWD/MJP/MIDC/BPT/MES/Indian Railway or any Govt./Semi Govt. organisation of appropriate Classes as shown in column No. 9 for repair works of building as under.

Sr No.	Name of work	Amount put to tender in Rs.	Earnest money in Rs.	Security Deposit 50% Initial 50% through R.A. Bill in Rs.	Cost of Blank Tender in Rs. (including 12% GST)	Date of issue of blank tender	Date & time of receipt of sealed tender	Time limit	Class of contractor
1	2	3	4	5	6	7	8	9	10
1	S.R. work Improvement of Drainage System & Chamber for Transit Camp Bldg., No. 7-A, at Antop Hill, Wadala, Mumbai in E-1 Ward.	2,98,197/-	2982.00	3000.00 3000.00	224.00	21-12-2018 to 31-12-2018 11 am to 1 pm	31-12-2018 to 2-1-2019 11 am to 1 pm	8 months	9 & above
2	S.R. work Improvement of Drainage System & Chamber for Transit Camp Bldg., No. 7-C, at Antop Hill, Wadala, Mumbai in E-1 Ward.	2,97,593/-	2976.00	3000.00 3000.00	224.00	"_"	"_"	8 months	9 & above
3	S.R. work Improvement of Drainage System & Chamber for Transit Camp Bldg., No. 7-B, at Antop Hill, Wadala, Mumbai in E-1 Ward.	2,92,603/-	2926.00	3000.00 3000.00	224.00	"_"	"_"	8 months	9 & above
4	S.R. to PMGP Bldg., Rectification of Damaged Beam inside Tenements to for Room No. 1,3,4,13,101,103,104,107,108, & 109, Building known as Vrundavan No. 2.	2,98,543/-	2985.00	3000.00 3000.00	224.00	"_"	"_"	8 months	9 & above

1 a) If offer quoted is upto 10% below Estimated Cost, then Agency shall submit Demand Draft of 1% of Estimated cost put to tender, towards performance security other than Security deposit mentioned in Tender notice. The Demand Draft in original should be submitted in sealed envelope alongwith solvency and Bank conformation letter. b) If offer quoted is more less than 10% below Estimated Cost, then Agency shall submit Demand Draft of amount; which shall be worked out as "Quoted offer in % -10% + 1%" of Estimated cost put to tender. For example, if, offer is 14% below, then performance Security to be paid will be (14%-10%) + 1% i.e. Total 5% of Estimated cost the demand draft submitted in separate sealed envelope alongwith Bank solvency.

c) Regarding Demand draft towards performance security, following guidelines are issued. (i) Demand Draft of performance security shall be issued in favour of Chief Accounts Officer M. B. R. & R. Board, MHADA, (ii) Demand draft shall be issued by Nationalised Bank or Scheduled Bank, within Maharashtra State, (iii) The maturity date of Demand Draft shall be at least 3 months from date of submission of Tender, (iv) The MICR and IFSC code shall be mentioned on Demand draft.

2 Blank tender form shall be issued only on production of original or photostat copies (duly attested) of latest valid registration, and certificate of previous experience of similar nature of work done.

3 Earnest money, deposit shall be paid in the form of short terms deposit receipt for the period of the one year issued by the nationalised/schedule bank and endorsed in the name of Chief Accounts Officer, M.B.R. & R. Board, Mumbai.

4 The Blank Tender will be issued by the Executive Engineer E-1 Div. M.B.R. & R. Board, Bldg. No.34, Gr. Floor, Abhudya Nagar, Kalachowki, Mumbai-33, as per column 6. and will be received in the same office as per column No.7. Sealed tender will be opened on the last date as per column No.7 if possible at 2.30 p.m. in the office of The Executive Engineer E-1 Div. M.B.R. & R. Board.

5 Bids from joint venture are not acceptable.

6 It is necessary that a contractor shall have a Civil Engineer having minimum five years experience similar type work and other supervising officer.

7 The experience of the sub contractor and tools and plants owned by him will not be considered.

8 Right to reject any one or all tenders are reserved by the competent Authority.

9 Registration Certificate under GST is Compulsory.

MHADA: Leading Housing Authority in the Nation

CPRO/A/433

Sd/-
Ex. Engineer, "E-1" Div.
M.B.R. & R. Board, Mumbai