

Mumbai's new construction ban: SC allows builders' body to file review plea in HC: The Times of India

Six months after the Bombay high court banned new constructions in Mumbai, the Supreme Court has allowed an association of builders to file a review petition to challenge the ban. "We permit the Maharashtra Chamber of Housing Industry (MCHI) to approach the HC with a review petition. The HC shall decide the issue raised by MCHI afresh, as expeditiously as possible," said a division bench of Justices S A Bobde and Arun Mishra.

In February, the HC had banned new constructions in Mumbai over the failure of the state government and the BMC to tackle polluting dumping grounds in the city and provide proper waste disposal facilities. The ban came into effect on March 1. The HC had told the BMC not to process any applications or new residential or commercial projects. The ban, which is open-ended, doesn't apply on re-development, SRA and Mhada reconstruction projects, and the construction of hospitals and educational institutes.

The MCHI said it was not a party before the HC and claimed that construction creates least amount of debris. The ban was therefore not necessary. The MCHI also claimed that a new law enacted by the Union government - Construction and Demolition Waste Management Rules, 2016 - provides adequate protection from the problems of waste disposal raised before the HC.

The MCHI also referred to financial hardships of members who have taken loans to finance the projects. As per records by the BMC, of the total number of applications for constructions received, around 15 to 20 per cent concern new projects, which have now been hit by the ban.