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**Shibu Thomas, TNN,** Apr 1, 2011, 06.28am IST

MUMBAI: Two months after NGOs operating out of Topiwala building at Lamington Road were locked out, the Bombay High Court has directed the BMC to file an affidavit.

"If the building is in a dilapidated condition and collapses, who will own responsibility," asked a division bench of Justice Ranjana Desai and Justice Rajesh Ketkar. The court added, "If we find any (wrongdoing), we will not hesitate to take action."

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The bench was hearing a petition filed by one of the NGOs, Comet Media Foundation, which works for educating children. Comet was forced to shut down after the BMC sealed its premises in the building.

The petitioners alleged that the BMC wants to demolish the building to construct an "electronics shopping mall".

The BMC's lawyer told the HC that the building was in a dilapidated condition and despite notices, the tenants had not repaired the building. Senior advocate Rajani Iyer, counsel for the petitioner, disputed this. "We are ready to undertake repairs," said the lawyer.

A municipal school was housed in the building, originally owned by the Topiwala family. The school shut down in the 1980s, and the BMC leased the premises to eight NGOs, including Comet, between 1986 and 2004.

According to the petition, in May 2009, the tenants had approached the BMC to carry out repairs and offered to contribute 50% of the expenses. A month later, a survey was carried out by the deputy city engineer (school infrastructure cell). The deputy municipal commissioner had issued notices to the NGOs to carry out repairs. Last year, in March, the civic body issued eviction notices. In February 2011, the BMC issued an order to demolish the building and sealed the premises.

The petitioners referred to a report of a structural engineer, which had said that with repairs, the building could last for another 25 years.

The bench was hearing a petition filed by Comet Media Foundation, which was forced to shut down after the BMC sealed its premises in Topiwala building

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