

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.122 OF 2015
WITH
CIVIL APPLICATION NO.307 OF 2015
IN
FIRST APPEAL NO.122 OF 2015**

The Chembur Gymkhana .. Appellant

Vs.

The Municipal Corporation of
Greater Mumbai .. Respondent

Mr.PS.Bhosale a/w Mr.Sharad K. Bhosale for the applicant

Mr.Vinod Mahadik for the BMC

**CORAM : K.K.TATED, J.
DATED : 06/02/2015**

PC:

1 Heard Shri Pramod Bhosle, learned counsel for the appellants and the learned counsel for the respondents at length.

2 Admit.

3 The learned counsel for the respondents waives service.

4 By consent of the parties, the Appeal is taken up for final

disposal.

5 The Appeal is disposed of in the following terms:

(a) Shri Bhosale, learned counsel for the appellants, on the basis of instructions received from Shri Shyam Agarwal, Secretary of the appellant states that during six weeks from today the appellants will submit proposal for regularization of the offending structure through licensed Architects to the Executive Engineer, Building Proposal, Eastern Suburbs, Vikhroli, Mumbai.

(b) The Executive Engineer, Building Proposal, Eastern Suburbs, Vikhroli, Mumbai shall accept the proposal and in case he finds any deficiency the same shall be communicated to the appellants in writing within two weeks thereafter.

(c) The proposal shall be considered within eight weeks from the date of receipt of the said proposal in accordance with law and in case there is any deficiency, the period taken for removing the deficiency shall be excluded while computing the period of eight weeks.

(d) In case any adverse order is passed against the appellants, the said order shall not be implemented for a period of eight weeks from the date of receipt of the said

communication.

(e) During the above period and eight weeks thereafter the respondents shall not take any action against the offending structure.

4 In view of the above, the appellants seek permission to withdraw the First Appeal No.122 of 2015. Same is allowed.

5 In view thereof, the suit stands withdrawn as also the present First Appeal stands disposed of as withdrawn. Consequently, Civil Application No.307 of 2015 does not survive and the same is disposed of.

6 Appellant to place on record application in trial court that Suit is withdrawn by them.

(K.K.TATED, J.)