

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.1894 OF 2015

M/s. Shah & Nahar Industrial .Petitioner
Premises Co-operative Society Ltd.

v/s.

The Assistant Engineer (Main.) .Respondents
& ors

Mr.Sanjiv Sawant a/w. Mr.Rajiv Bafna &
Mr.Himanshu Kode, Advocate, for the Petitioner
Mr.B.H.Mastakar, Advocate, for the Respondent
-MCGM

CORAM : A.A.SAYED, J.

DATE : 06.07.2015

P.C.

. The petitioner has impugned an order/notice dated 15.05.2015 of the respondent – Corporation under Section 314 r/w. 394(4) of the Mumbai Municipal Corporation Act, 1888. At the outset, learned counsel for the petitioner fairly states that so far as D.G.Set (Generator) is concerned, it has already been removed by the petitioner. In these circumstances, there is no question of granting any relief in respect of

the said D.G.Set (Generator).

2. As regards the offending gate which is stated to be unauthorized, the petitioner is permitted to reply to the said notice, if not already replied to, within a period of ten days. The concerned Assistant Commissioner(MCGM), G/South Ward shall hear the petitioner and pass appropriate order before taking any further action. The statement of the learned counsel for the petitioner is recorded that the petitioner shall appear before the concerned Assistant Commissioner(MCGM), G/South Ward on 20.07.2015 when necessary directions may be issued so far as the hearing is concerned. Until the decision is taken by the concerned Assistant Commissioner, no coercive steps shall be taken in respect of the offending gate. In the event, any adverse order is passed, the same shall not be enforced for a period of two weeks from the

date of communication of the same to the petitioner.

3. The Petition is disposed of in the aforesaid terms.

(A.A.SAYED, J.)