

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

**APPEAL FROM ORDER NO.1189 OF 2015
along with
CIVIL APPLICATION NO.1504 OF 2015
in
APPEAL FROM ORDER NO.1189 OF 2015**

Shree Publicity .. Appellant/Applicant
Vs.
The Municipal Corporation of Gr. Mumbai .. Respondent

Mr.Mayur Khandeparkar i/by Mr.Sanjay Haritwal for the appellant/
Mr.N.V. Walawalkar, Senior Advocate a/w Mr.A.V.Diware for the
respondent-MMC.

CORAM : R.D. DHANUKA, J.
DATE : 15th February 2016

P.C.

. By consent of the parties, the following order is passed :-

- (i) The appellant would file second appeal under the Policy Guidelines framed by the Municipal Corporation in respect of grant of permission for display of sky signs and the advertisement under Sections 328 and 328A of the Mumbai Municipal Corporation Act, 1888 within one week from today and serve a copy thereof upon the concerned ward;
- (ii) The Municipal Commissioner shall take a decision whether he himself would hear the second appeal as may be filed by the appellant or would appoint two additional Municipal Commissioners for hearing the said appeal jointly. Such decision shall be conveyed to the appellant within one week from the date of appellant filing the second appeal;

- (iii) It is made clear that if the Municipal Commissioner wishes to authorise two Municipal Commissioners to jointly hear the second appeal as may be filed by the appellant, the additional Commissioners who had passed the earlier order in the first appeal shall not be the appellate authority for hearing the second appeal;
- (iv) It is also made clear that the appellate authority shall decide the second appeal afresh and without being influenced by the order of the first appellate authority;
- (v) The status-quo order passed by this Court to continue for a period of 30 days from the date of communication of the order passed by the appellate authority;
- (vi) The appellant undertakes to withdraw the L.C.Suit No.2695 of 2015 filed before the City Civil Court, Dindoshi, Borivali Division within one week from today;
- (vii) The appellate authority shall make an endeavour to dispose of the second appeal as may be filed by the appellant within eight weeks from the date of the appellant filing the second appeal.

2. Appeal from order is disposed of in aforesaid terms. In view of disposal of the appeal, civil application does not survive and is accordingly disposed of. No order as to costs.

R.D. DHANUKA, J.