

2] The Division Bench of this Court, in case of ***Peninsyla Land Ltd. V/s. Brihan Mumbai Mahanagarpalika & ors. - 2009 (2) Bom. C. R. 806***, has upheld the constitutional validity of Section 217(5) of the said Act. Similarly, learned Single Judge of this Court in case of ***Elora Construction Co. Vs. Municipal Corporation of Greater Bombay – AIR 1980 Bom. 162***, has upheld the constitutional validity of Section 217(2)(d) of the said Act. The decision in case of ***Elora Construction Co. (supra)***, was in fact noted with approval by the Hon'ble Supreme Court in case of ***Gujarat Agro Industries Co. Ltd. Vs. Municipal Corporation of the City of Ahmedabad & ors. - (1999) 4 SCC 468***.

3] We have, in the absence of learned counsel for the petitioner, perused the grounds raised in the petition, including the grounds introduced by way of amendment. We find that no grounds have been raised to attack the constitutional validity of Section 217(5) of the said Act. In any case, now that the constitutional validity of Section 217 (5) of the said Act has already been upheld by this Court in case of ***Peninsyla Land Ltd. (supra)***, this petition is required to be dismissed. Accordingly, we dismiss this petition. Rule is discharged. Interim order is vacated.

[M. S. SONAK, J.]

[V. M. KANADE, J.]