

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

WRIT PETITION LODING NO.2646 OF 2016

Indus Towers Limited : Petitioner.
versus
Municipal Corporation of Greater Mumbai
Through its Commissioner and ors. : Respondents.

**Mr. Surel S Shah a/w Mr. Saahil Memon i/by D.H.Law Associates for the
Petitioner.**

**Mr. A Y Sakhare, Senior Advocate, with Ms. K H Mastakar for the
Respondent Nos.1 and 2 BMC.**

Mrs. Geeta Shastri, Additional GP for the Respondent No.3.

CORAM : R. M. SAVANT, J.
DATE : 06th October 2016

P.C.

1 After arguing for some time the learned counsel appearing for the
Petitioner Shri Surel S Shah on instructions of learned Advocate Shri Saahil
Memon, the representative of the advocates for the Petitioner M/s. D H Law
Associates, who in turn has been instructed by Shri Gaurav Bora, the Senior
Executive of the Petitioner, makes a statement that the Petitioner would not
press the above Petition and would withdraw the Petition with liberty to file an
application for regularization of the mobile tower in question within two weeks
from date, in the office of the Executive Engineer, Building Proposal,
Department of Special Cell, Municipal Corporation of Greater Mumbai, Powai,
Mumbai. If any such application/proposal is filed, needless to state that the
Municipal Corporation of Greater Mumbai ("the MCGM" for short) would

consider the same in accordance with law. For a period of two weeks from date, the MCGM would not take any coercive action against the mobile tower in question. The Petitioner thereafter would be entitled to apply to the concerned authorities of the MCGM for continuation of the protective order having regard to Section 53 of the Maharashtra Regional Town Planning Act, 1966. It is made clear that if no application is filed within two weeks from date, the MCGM would then free to proceed against the mobile tower in question in accordance with law. Subject to the aforesaid directions, the above Writ Petition is allowed to be withdrawn with liberty as prayed for.

[R.M.SAVANT, J]