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

WRIT PETITION (L) NO.3565 OF 2015

Dalichand G. Shah ...Petitioner
Vs.
The Municipal Corporation of Greater Mumbai
& Ors. ...Respondents

Mr. Annirudha Joshi a/w. Mr. Viraj Maniar and
Mr. Nakul Jain i/b. Maniar Srivastava Associates for the Petitioner
Mr. A.Y. Sakhare, Sr. Counsel a/w. Mr. Vinod Mahadik for the
Respondent Nos. 1 to 3.

**ALONG WITH
WRIT PETITION (L) NO. 3567 OF 2015**

Omkar Engineers & Contractors & Anr. ...Petitioners
Vs.
The Municipal Corporation of Greater
Mumbai & Ors. ...Respondents

Mr. Milind Sathe, Sr Counsel a/w. Mr. Anirudh Joshi,
Mr. Virag Maniar, Mr. Nakul Jain & Mr. Harsh Behary
i/b. Maniar Srivastava Associates for the Petitioners
Mr. Vinod Mahadik for the Respondent Nos. 1 to 3
Mr. Vaibhav Borkar, A & E Ward (Monitor & Registration) is present

**ALONG WITH
WRIT PETITION (L) NO. 3593 OF 2015**

RE Infra Private Limited ...Petitioner
Vs.
Municipal Corporation of Greater Mumbai & Ors. ...Respondents

Mr. Dhakephalkar Sr. Counsel a/w. Mr. Dharam Jumani, Mr. Suraj Iyer
i/b. M/s. Ganesh & Co., for the Petitioner

Mr. A.Y. Sakhare, Sr. Counsel a/w. Mr. Vinod Mahadik
for the Respondent Nos. 1 to 3

**CORAM : A.S.OKA, &
C.V. BHADANG, JJ.
DATE : JANUARY 05, 2016**

PC.:

Not on board. Taken on board.

1. Learned Senior Counsel representing the Mumbai Municipal Corporation has produced for perusal of the Court the original order dated 3rd December, 2015 passed by the Municipal Commissioner. Clause 2 of the said order directs that the process of blacklisting of the contractors be started immediately. There is also a direction to file FIR. There is a direction to complete departmental inquiry within a period of three months.
2. Learned Senior Counsel appearing for the Mumbai Municipal Corporation states that, therefore, the recording made in the impugned notices that there is an order of black-listing passed by the Municipal Commissioner against the petitioners is incorrect.
3. From the original order dated 3rd December, 2015 we find that the Municipal Commissioner has not passed any order of blacklisting against the petitioners and that he has merely directed the commencement of process of black-listing.
4. The learned Senior Counsel appearing for the Municipal

Corporation makes a following statement in these three petitions on instructions:

“As it is wrongly recorded that the Municipal Commissioner has passed the order of blacklisting the contractors, MCGM may be permitted to withdraw the impugned Show Cause Notice dt. 10.12.2015 issued by the Executive Engineer (I/c) (Monitoring Registration) with liberty to issue fresh Show Cause Notice and to take further steps in the matter in accordance with law”.

6. We accept the aforesaid statement. As the impugned notices are withdrawn, the petitions do not survive. Accordingly by accepting the aforesaid statements recorded in paragraphs 2 and 4 above we dispose of the petitions. The disposal of the petitions will not prevent the Municipal Corporation from initiating appropriate proceeding according to law for blacklisting of the petitioners and for cancellation and / or suspension of the registration of the petitioners.
5. All the contentions on merits are kept open.

(C.V. BHADANG,J.)

(A.S.OKA,J.)