

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO. 17310 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 17312 OF 2016
IN
APPEAL FROM ORDER (STAMP) NO. 17310 OF 2016

Mr. Mehatab Khan
Proprietor of Faizan Scrap Traders .. Appellant
vs.
Municipal Corporation of Greater Mumbai .. Respondents

WITH
APPEAL FROM ORDER (STAMP) NO. 17313 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 17314 OF 2016
IN
APPEAL FROM ORDER (STAMP) NO. 17313 OF 2016

Mr. Sayed Istiyak Ali Idris Ali
Proprietor of National Scrap Traders .. Appellant
vs.
Municipal Corporation of Greater Mumbai .. Respondents

WITH
APPEAL FROM ORDER (STAMP) NO. 17315 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 17316 OF 2016
IN
APPEAL FROM ORDER (STAMP) NO. 17315 OF 2016

Ranchoddas Mulji
Proprietor of Ranchhoddas Mulji Packaging .. Appellant
vs.
Municipal Corporation of Greater Mumbai .. Respondents

WITH
APPEAL FROM ORDER (STAMP) NO. 17431 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 17432 OF 2016
IN
APPEAL FROM ORDER (STAMP) NO. 17431 OF 2016

Bhavesh Bhanushali
Proprietor of Kishor Enterprises .. Appellant
vs.
Municipal Corporation of Greater Mumbai .. Respondents

Mr. P. J. Thorat with Mr. B. J. Joshi for Appellants.
Mr. A. Y. Sakhare – Senior Advocate with Ms M. R. Bhoir for
Respondents - MCGM.

CORAM : M. S. SONAK, J.
DATE: 23 FEBRUARY 2017

P.C :

1] Learned counsel for the parties agree that all these appeals can be disposed of finally with common order.

2] In these appeals, the appellants who are the original plaintiffs, challenge order dated 22 June 2016, by which, the appellants motion for ad interim relief was rejected. The appellants had applied for ad interim relief, in relation to the execution of orders dated 18 June 2016, by which, they were declared as ineligible for the benefits of rehabilitation.

3] Mr. Sakhare, learned Senior Advocate for the MCGM, who appears along with Ms Bhoir, on basis of instructions from the

Assistant Commissioner, G/N Ward, MCGM, makes a statement that orders dated 18 June 2016, which are subject matter of challenge in the suits before the trial Court, will not be acted upon and fresh opportunity of hearing will be afforded to each of the plaintiffs / appellants in the matters.

4] Mr. Thorat, learned counsel for the appellants state that the appellants will file further representation / application for determination of their eligibility within a period of two weeks from today. Thereafter, appropriate officer of the MCGM, will afford opportunity of hearing to the appellants / plaintiffs and dispose of the issue of eligibility one way or the other within a period of eight weeks. All contentions of all parties are left open.

5] In view of the aforesaid, Mr. Thorat, learned counsel for the appellants, on basis of instructions from the appellants, seeks leave to withdraw civil suits, in which the impugned orders have been made. Such leave is granted and the civil suits are disposed of as withdrawn.

6] It is made clear that until the issue of the appellants' eligibility is once decided by the MCGM, there will be no question of acting on the basis of the orders dated 18 June 2016, which had been impugned in the civil suits. In case, the decision is adverse to the

interest of the appellants, the same shall not be implemented for a period of two weeks from the date of communication.

7] All appeals and the suits stand disposed of in the aforesaid terms.

8] In view of disposal of appeals, pending civil applications therein do not survive and are disposed of accordingly.

9] All concerned to act on basis of authenticated copy of this order.

10] The authenticated copy of this order may be placed on record before the learned trial Judge so that, formal orders for disposal of the suits can be made.

(M. S. SONAK, J.)

Chandka