

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 275 OF 2017
IN
WRIT PETITION NO.9333 OF 2016

M/s.Shaman Wheels Private Ltd. .. Applicant

Vs

In the matter of

M/s.Shaman Wheels Private Ltd. .. Petitioner

Vs

Navi Mumbai Municipal Corporation and Anr. .. Respondents

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Shri S.R. Nargolkar i/b Shri Swapnil S. Mohite for the Applicant.

Shri Sandeep V. Marne for the Respondents.

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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ

DATED : 8TH JUNE 2017

PC.

1. Heard learned counsel appearing for the Applicant and the learned counsel appearing for the Respondents.

2. Relevant part of the order dated 9th August 2016 passed in the disposed of Writ Petition reads thus:

“The only relief claimed at this stage, is to extend the time fixed in the notices dated 16.7.2016 issued by the Municipal Corporation for producing the documents pertaining to the permission for occupying the area of Air Handling Unit (AHU). Having considered the submissions made by the learned counsel for the parties and keeping in view the difficulties expressed before us by the learned counsel for the petitioner, we

are inclined to extend the time fixed in the impugned notices dated 16.7.2016 as aforesaid by further period of three weeks from today. With the aforesaid directions, petition is disposed of. All other contentions of the parties are kept open.”

3. By this Application, a contention is raised that the Applicant was unable to file a reply as a copy of the sanctioned plan as demanded by its letter dated 10th August 2016 was not provided to the Applicant. Therefore, extension of time of atleast one month is sought from the date on which a copy of the sanctioned plan was demanded by the Applicant.

4. By the order dated 9th August 2016, after hearing the Applicant, time of three weeks was granted to the Applicant to file a reply to the impugned notices dated 16th July 2016. The Applicant was aware at that time that a copy of the sanctioned plan was not available. Therefore, it was not fair on the part of the Applicant to have addressed a letter dated 10th August 2016 to the Secretary of the concerned building for providing copies of the sanctioned plans. Therefore, no case is made out for grant of any relief in this Application. Accordingly, the Application is rejected. Only by way of indulgence, we extend the time granted to the Applicant to file a reply to the impugned notices by a period of two weeks from today. No further extension shall be granted.

(SMT.VIBHA KANKANWADI, J)

(A.S. OKA, J)