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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13539 OF 2017

Sthavishtay Investment & Trading Co. Pvt. Ltd. .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. Kapil P. Shetye for the Petitioners.
Mr. Vikas Mali, Additional Govt. Pleader for the Respondent-State.
Mr. Pradeep M. Patil for the Respondent Nos.2 & 3.

**CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATE : 8th DECEMBER, 2017.

P. C. :

Heard.

It is stated on behalf of the petitioners that the common order that is impugned in this writ petition was also impugned in Writ Petition (L) No. 12371 of 2017 filed by Gaurav V. Nevatia, the petitioner therein and this Court has after hearing the parties quashed and set aside the impugned order in so far as the said petitioner is concerned and had remanded the matter to the State Government for a fresh decision. It is stated that since the order challenged in the decided petition and the present petition is a common order, it would be necessary to pass a similar order in this petition, on parity.

The learned Additional Government Pleader and the learned counsel appearing on behalf of the Mumbai Municipal Corporation do not dispute the statement made on behalf of the petitioners.

On a perusal of the order dated 30.11.2017 in Writ Petition (L) No. 12371 of 2017, it appears that the common order passed in the matter pertaining to the present petitioner and the petitioner in the said writ petition was set aside in so far as the said petitioner is concerned. Hence,

on parity, for the reasons recorded in the order dated 30.11.2017, it would be necessary to quash and set aside the impugned order in so far as the petitioners herein are concerned and remand the matter to the State Government.

Hence, for the reasons recorded hereinabove and also for the reasons recorded in the order dated 30.11.2017 in Writ Petition (L) No. 12371 of 2017, this writ petition is partly allowed and the impugned order is quashed and set aside. The matter is remanded to the State Government for taking a fresh decision in the appeal filed by the petitioners as early as possible. The petitioners undertake to appear before the State Government on 15.01.2018 so that issuance of notice to the petitioners could be dispensed with. Order accordingly. No costs.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]