

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

**WRIT PETITION NO.779 OF 2014
WITH
NOTICE OF MOTION (L.) NO.514 OF 2015**

K.M. Developers Pvt. Ltd.

...Petitioner

Versus

The Municipal Commissioner, Mumbai
Municipal Corporation Office & Ors.

...Respondents

Mr. Gul Madnani i/b. Mr. Ajay Basutkar for the Petitioner.

Ms. Geeta Joglekar for the Respondent/BMC.

Mr. S.B. Pawar with Ms. Swati Sawant i/b. M/s. S.K. Legal Associates for
applicant/intervener in NMWL 514 of 2015.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, J.J.**

DATE : 30th JUNE, 2017

P.C.

1. After hearing the learned counsel for the petitioner, when we were inclined to dismiss the petition, the learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to file a fresh petition in the event he succeeds in the pending arbitration proceedings.

2. Accordingly, the petition is dismissed as withdrawn. It will be open for the petitioner to file a fresh petition after conclusion of the arbitration proceedings.

3. However, we make it clear that the issue whether the petitioner will be entitled to seek reliefs which are sought in this petition even after conclusion of arbitration proceedings is kept open.

4. In view of the disposal of the writ petition, notice of motion does not survive and the same stands disposed of.

(SMT. VIBHA KANKANWADI, J.)

(A.S. OKA, J.)