

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

**NOTICE OF MOTION (L) NO. 1295 OF 2017
IN
SUIT NO. 111 OF 2017**

Deesha Leasecon Pvt.Ltd. & Anr. ...Plaintiffs

vs.

The Municipal Corporation for Greater Mumbai & Ors. ...Defendants

Mr.Navroze Seervai, Senior Counsel with Sarosh Bharucha and Swati
Khinvasara I/b. Bharucha & Partners for Plaintiffs.

Mr.A.Y. Sakhare, Senior Advocate for Defendants.

CORAM : S.C. GUPTE, J.

23 JUNE 2017

P.C. :

This notice of motion is taken out by the Plaintiffs in a suit challenging a notice dated 25 November 2016 directing the Plaintiff to remove commercial advertisements displayed on 50 locations. The immediate cause for moving of the present notice of motion and applying for ad-interim reliefs therein is the notice dated 8 June 2017 by which the Plaintiff is directed to remove its advertisements displayed on 36 sites within a period of 30 days, failing which the action will be taken under Sections 328, 328A read with 479 of the Mumbai Municipal Corporation Act.

2 Learned Counsel for the Defendant Corporation, on instructions from Mr.Sharad Bonde, Superintendent of License of Municipal Corporation of Greater Mumbai, states that the Defendant shall treat the impugned letter dated 8 June 2017 as a notice to show cause issued by the Defendant Corporation to the Plaintiff and Defendant No.4.

3 Learned Counsel for the Plaintiffs submits that the Plaintiff and Defendant No.4 shall be entitled to show cause by way of written submissions within two weeks from today. Learned Counsel also submits that a personal hearing will be offered to the Plaintiff and Defendant No.4 within four weeks thereafter and that a reasoned order will be passed on the show cause notice thereafter.

4 Since the proposed action is now treated as a show cause notice and an opportunity is being given to the Plaintiff to show cause, learned Counsel for the Plaintiffs does not press his notice of motion.

5 The statements made by learned Counsel for Defendant Nos.1 to 3 are accepted.

6 The notice of motion is dismissed, as not pressed.

(S.C. Gupte, J.)