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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3087 OF 2014
WITH
WRIT PETITION NO.3088 OF 2014

Pali Hill Tourist Hotel Pvt. Ltd.

... Petitioner in
both the Petitions

Vs.

The Municipal Corporation of
Greater Mumbai and Anr.

... Respondents in
both the Petitions

WITH
CHAMBER SUMMONS NO.112 OF 2015

Union Park Residents Association

... Applicant

In the matter of

Pali Hill Tourist Hotel Pvt. Ltd.

... Petitioner

Vs.

The Municipal Corporation of Greater Mumbai and Anr. ... Respondents

Mr. Rahul Rao i/by Dahibawkar & Co. for the Petitioner in both matters.

Mr. Sean Wassoodew for the Applicant in CHSW/112/2015.

Ms. Geeta Joglekar for the Respondent in both matters.

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

DATE : 26th JULY, 2017

PC.

1 The Petitioner in these Petitions have filed undertakings of
Shri Hetram Mothuram Kumhar. The undertakings are taken on record

and marked 'X' for identification. The learned counsel appearing for the petitioner on instructions states that Shri Kumhar who is a Director of the petitioner is duly authorised to file an undertaking on behalf of the petitioner – Company. We accept the statement.

2 In the undertakings, the petitioner has stated that the petitioner has given an undertaking to apply for regularisation of the offending work/structure subject matter of the impugned notices and impugned orders. The very fact that the petitioner has agreed to apply for regularisation shows that the petitioner has accepted the correctness of the impugned notices and impugned order.

3 The undertakings given by the petitioner deserve to be accepted. Accordingly, we dispose of the Petitions by passing the following order :-

ORDER

- (i) It will be open for the petitioner to make applications for regularisation of the offending work/ structure subject matter of these two Petitions within a period of six weeks from today. The petitioner shall submit on-line applications through a licensed architect in the prescribed format;

- (ii) The Mumbai Municipal Corporation shall take appropriate decision on the applications within a period of 60 days from the date of filing of the applications. The decisions be communicated to the architect appointed by the petitioner;
- (iii) Till the date of communication of the decisions to the architect appointed by the petitioner, no action shall be taken on the basis of the impugned notices and impugned orders. If the decisions be adverse to the petitioner, no action shall be taken on the basis of the impugned notices and impugned orders for a period of one month from the date of communication of the decisions to the petitioner's architect to enable the petitioner to comply with the undertaking in clause 4 of the undertakings tendered today;
- (iv) With the above directions and by accepting the undertaking, the Petitions are disposed of;
- (v) We make it clear that on the failure of the petitioner to apply for regularisation as aforesaid within the stipulated time, it will be open for the Municipal

Corporation to take action on the basis of the impugned notices and impugned orders;

(vi) All pending Notices of Motions and Chamber Summons do not survive and the same are disposed of accordingly.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)