

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

**NOTICE OF MOTION NO.398 OF 2016**  
**IN**  
**WRIT PETITION NO.1791 OF 2016**

Mauli Sai Developers Private Limited  
and Another

...Petitioners

vs.

The Municipal Corporation of Greater  
Mumbai and Others

...Respondents

Mr. Panti Desai i/b. M.P.Vashi Associates, for the Petitioners  
Mr. Sagar Patil, for Respondent-BMC.  
Mr. Ganesh Gole, for Respondent Nos. 6 and 7.

**CORAM : SHANTANU S. KEMKAR &  
MAKARAND. S. KARNIK, JJ.**

**DATE : JULY 06, 2017  
(IN CHAMBER)**

P.C.:

. Having heard learned counsel for the parties, we find that the order dated 26<sup>th</sup> July, 2016 has been passed in the absence of the Petitioners.

2. According to the Petitioners, their grievance is still subsisting and the finding recorded by this Court on the basis of stand taken by Respondent-Corporation in para 4(d) of the reply that nothing survives in the Notice of Motion, is not correct.

3. Having considered the submissions made by learned counsel for the parties, we are of the view that the matter requires to be heard on the merits.

4. In the circumstances, we recall our order dated 26<sup>th</sup> July, 2016 and restore the Writ Petition No. 1791 of 2016 to its original number.

5. The Notice of Motion stands disposed of as such.

(MAKARAND S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)