

Sharayu Khot.

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

WRIT PETITION NO. 1544 OF 2017

Indus Towers Limited

...Petitioner

Versus

**Navi Mumbai Municipal Corporation &
Ors.**

...Respondents

Mr. Prasad Dhande, a/w Mr. Amit Khairnar, Mr. Toufiq Kapadia,
i/by D.H. Law Associates, for the Petitioner.

Mr. Sandeep V. Marne, for the Respondents No. 1 to 5.

Mrs. R.A. Salunkhe, AGP, for the Respondent No. 6.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 12 June 2018

ORDER :

1. Today the learned Counsel appearing for the Navi

Mumbai Municipal Corporation has placed on record a copy of the letter dated 11 June 2018 addressed to the Petitioner along with a copy of the letter dated 14 February 2017 addressed by the said Corporation to the Petitioner. The copies are taken on record and marked as “L1 colly.” for identification.

2. The letter dated 14 February 2017 communicates to the Petitioner that the Application dated 17 November 2014 (Exh.C to the Petition) has been rejected for the reasons mentioned therein. The learned Counsel appearing for the Petitioner submits that the order dated 14 February 2017 was never communicated to the Petitioner. It is not necessary to go into this dispute as now a copy of the order is provided to the Petitioner.

3. In this Petition no *ad-interim* relief was granted. Now the remedy of the Petitioner is to challenge communication/order dated 14 February 2017 by preferring an Appeal under Section 47 of the Maharashtra Regional and Town

Planning Act, 1966. If the Petitioner has not received the communication till today, the Petitioner can always make out a case that a copy of the said communication/order was served upon its Advocate for the first time today.

4. Hence, we dispose of the Petition, by keeping all the contentions on merits open.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]