

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 1937 OF 2017****Parkbay Co-operative Housing Society****..... Petitioners****VERSUS****The Municipal Corporation of
Greater Bombay & Ors.****..... Respondents**

Mr.S.N.Vaishnav, a/w. Mr.Rahul Raut, i/b. M/s.N.N.Vaishnava & Co.
for the Petitioners.

Mr.P.M.Patil for the BMC – Respondent nos. 1 and 2.

Mr.Aftab Khan for the Respondent no.4.

Mr.S.H.Kankal, A.G.P. for the State – Respondent nos. 5 and 6.

CORAM : R.D. DHANUKA, J.

DATE : 11th JULY, 2018

P.C.

A perusal of the impugned order dated 17th January, 2017 passed by the learned Minister rejecting an appeal filed by the petitioner society indicates that no reasons are recorded in the impugned order. The learned Minister has not dealt with any of the submissions and documents produced by the petitioners in the impugned order. The impugned order is accordingly quashed and set aside.

2. Appeal filed by the petitioners is restored to file before the learned Minister.

3. The learned Minister is directed to decide the matter afresh without being influenced by the observations made and the conclusion

drawn in the impugned order dated 17th January, 2017 and in accordance with law after complying with the principles of natural justice.

4. The learned Minister shall consider the submissions and documents produced by both the parties and shall pass a fresh order on the appeal filed by the petitioners in accordance with law.

5. The learned Minister may also consider the fact that the suit filed by the respondent no.4 is rejected by the City Civil Court and appeal is admitted, however no interim relief is granted by this court in the said appeal.

6. *Ad-interim* protection granted by this court on 22nd February, 2017 to continue till disposal of the appeal preferred by the petitioners before the learned Minister and for a period of two weeks from the date of the order as may be passed by the learned Minister if the same is adverse against the petitioners.

7. The learned Minister is accordingly directed to dispose of the appeal expeditiously and not later than six months from the date of the communication of this order.

8. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]