

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5012 OF 2018

Indus Towers Limited. ... Petitioner.
V/s.
Mira Bhayandar Municipal Corporation
and others. ... Respondents.

Mr.Surel S. Shah with Mr.Prasad Dande, Mr.Amit Khairnar, Mr.Toufiq
Kapadia and Mr.Jigal Parmar i/b. Link Level Law Services
for the petitioner.
Mr.F.A.Wasif i/b. Mr.N.R.Bubna for respondent Nos.1 to 3.
Mr.Rajan Pawar, AGP for respondent No.5.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 2nd May 2018.

PC.:

Not on board. Taken up on board.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the first to fourth respondents and the learned AGP for the State. The learned counsel appearing for the petitioner states that an application for renewal dated 7th December 2016 made by the petitioner to the Assistant Director of Town Planning of the first respondent is not yet decided. An undertaking of one Chhaya Gupta is tendered across the bar. The same is taken on record and marked "U-1" for identification. In clause-1 of the said undertaking, it is stated that she is the constituted attorney of the petitioner and, therefore, the

undertaking is being given by her on behalf of the petitioner. The undertaking deserves to be accepted. In view of the undertaking, we dispose of this petition by passing the following order:

- (i) The undertaking which is taken on record and marked “U-1” for identification is accepted;
- (ii) We direct the first respondent to decide the pending application dated 7th December 2016 made by the petitioner for renewal of the permission as expeditiously as possible and, in any event, within one month from today;
- (iii) The order passed on the said application shall be communicated to the Architect appointed by the petitioner;
- (iv) Till the date of communication of the order to the Architect of the petitioner, action of removal of mobile tower/ structures subject matter of the application dated 7th December 2016 shall not be taken;
- (v) In the event, the application for renewal is rejected, the action of removal shall not be taken for a period of one month from the date on which the order is communicated to the petitioner's Architect;
- (vi) Writ petition is disposed of on the above terms;
- (vii) We make it clear that we have not made any adjudication on the merits of the pending application.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)