

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.13679 OF 2018

|                                                                                    |     |             |
|------------------------------------------------------------------------------------|-----|-------------|
| Austin Francis D'souza                                                             | ... | Petitioner  |
| Vs.                                                                                |     |             |
| Additional Collector (Enc/Rem) and Appellate<br>Authority - Mumbai City and others | ... | Respondents |

Mr. Anand Pande for Petitioner.  
Mr. Y. D. Patil, AGP for Respondents No.1 and 2-State.  
Mr. Santosh Parad for Respondent No.3.  
Mr. Harish Pawar for Intervener.

**CORAM : R. G. KETKAR, J.**  
**DATE : DECEMBER 4, 2018**

**P.C. :**

Not on Board. At the request of Mr. Pande, taken up in the production Board.

2. Heard Mr. Pande, learned Counsel for the petitioner, Mr. Patil, learned AGP for respondents No.1 and 2-State, Mr. Parad, learned Counsel for the respondent No.3 and Mr. Pawar, learned Counsel for intervener-developer, namely M/s. New Look Constructions.

3. This Petition takes exception to the order dated 29.11.2018 passed by the Grievance Redressal Committee, Western Suburbs (for short 'Committee'). By that order, the Committee vacated the stay granted on 25.10.2018 for not impleading developer - intervener.

4. Mr. Pande submitted that by order dated 25.10.2018, the Committee granted stay till next date. The Committee also directed the petitioner to implead developer as party to the appeal before next date amending the appeal memo. As the petitioner did not implead developer by amending the appeal memo, by the impugned order, the Committee

vacated the stay.

5. Mr. Pande assures that on or before 07.12.2018, petitioner will implead the developer and serve proceedings of the appeal on the developer. Mr. Patil, on instructions, states that the Committee is meeting on 13.12.2018. Mr. Pande assures that he will press for ad-interim order on 13.12.2018.

6. In view thereof, Petition is disposed of by accepting the statement of Mr. Pande about impleadment of the developer on or before 07.12.2018. The ad-interim stay granted by the Committee on 25.10.2018 is continued till 13.12.2018 when petitioner will press continuation of the ad-interim order. Continuation of the ad-interim order shall not be construed as an expression of merits either way. All contentions of the parties on merits are expressly kept open. The Committee shall decide the application for interim relief on its own merits and in accordance with law. Subject to this, Petition is disposed of. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*