IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.336 OF 2006

Nippon Investment and Finance Co. Pvt. Ltd. ..Petitioner
vs.
Municipal Corporation of Greater
Bombay and 3 Ors. ...Respondents

None for the Petitioner.
Ms. Pallavi Thakar for the Respondent-BMC.

CORAM : A.S. OKA & P. N. DESHMUKH, JJ.
DATE : 1st FEBRUARY, 2018

P.C.:

. Called for final hearing. None appears for the Petitioner. As far as the prayer clauses (b) and (c) are concerned, the challenge will be governed by the view taken by this Court in Appeal No.801/2004 (***The Municipal Corporation of Greater Mumbai & Ors. vs. Dalamal Tower Premises Co-operative Society Limited & Anr.***). Therefore, the remedy available to the Petitioner will be to assail the decision in the aforesaid case.

2. As a result, the prayer clause (a) containing a challenge to the constitutional validity of section 167 of the Mumbai Municipal Corporation Act, 1888 has become academic and need not be gone into.

3. Subject to what is observed above, the Petition is disposed of. Rule is discharged with no orders as to costs.

(P.N. DESHMUKH, J) **(A.S. OKA, J.)**