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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2079 OF 2017

Anees A. Siddiqui ... Petitioner
Vs.
Municipal Corporation of Greater Mumbai and Ors. ... Respondents

Mr. P.C. Kansara i/by Kansara & Thanekar for the Petitioner.
Mr. R.S. Apte, Senior Counsel a/w Ms. K.H. Mastakar for the
Respondent – BMC.
Mr. A.H. Yadav, Assistant Engineer (Transport City).

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

DATE : 15th JUNE, 2018

P.C.

1 Heard the learned counsel appearing for the petitioner and the learned senior counsel appearing for the first and second respondents. Our attention is invited to clause 19 of the terms and conditions of the auction sale. For invoking clause 19, the petitioner made a representation dated 23rd January 2017 to the Deputy Municipal Commissioner (SWM) of the first respondent – Municipal Corporation a copy of which is annexed as Exhibit – G. The learned senior counsel appearing for the first and second respondents on instructions of Shri Mr. A.H. Yadav, Assistant Engineer (Transport City) states that in terms of clause 19, the Deputy Municipal Commissioner (SWM) shall take

appropriate decision within a period of three months from today. We accept the said statement. Needless to add that the Deputy Municipal Commissioner will give an opportunity of being heard to the petitioner before taking decision.

2 A copy of the decision shall be provided to the petitioner.

3 All contentions on merits are kept open.

4 The petition is disposed of with the above directions.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)