

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.38 OF 2006**

Standard Chartered Bank

..Petitioner

vs.

Municipal Corporation of Greater
Bombay and 3 Ors.

...Respondents

Mr.Rohit Lalwani i/b Manilal Kher Ambalal & Co. for the Petitioner.
Ms. Pallavi Thakar for the Respondent-BMC.

CORAM : A.S. OKA & P. N. DESHMUKH, JJ.

DATE : 1st FEBRUARY, 2018

P.C.:

. Heard Mr.Lalwani, the learned counsel appearing for the Petitioner. As far as 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.)