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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER ST. NO. 17522 OF 2019
WITH
CIVIL APPLICATION ST. NO. 17523 OF 2019
IN
APPEAL FROM ORDER ST. NO. 17522 OF 2019**

M/s. Limelite Studio through
its representative Mr. Lokendra
Jitendra Singh

..Appellant

vs.

The Municipal Corporation of Greater
Mumbai & anr.

..Respondents

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Shri R.D. Suryawanshi I/b. Shri Shailesh U. Shukla for
appellant.

Mrs. Madhuri More for respondents – MCGM.

Shri D.P. More (Lic. Insp. - 'S' Ward).

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CORAM : M.S.KARNIK, J.

DATE : 8th JULY, 2019

P.C. :

Heard learned counsel for the appellant and learned
counsel Mrs. More for respondents – corporation.

2. In this Appeal an order dated 17/6/2019 passed by
the Judge, City Civil Court, Mumbai, is under challenge. The

trial Court refused to grant any ad-interim relief in favour of the appellant. Before the trial Court the appellant challenged the order dated 6/2/2013 cancelling the trade license dated 4/2/2013 granted to the appellant under Section 394 of the Mumbai Municipal Corporation Act. The trade license is at page 31 of the paper book.

3. It is the contention of the learned counsel for the appellant that the said license which was in operation was cancelled without giving any hearing to the appellant. According to learned counsel, the appellant had ample documentary evidence on record indicating lawful possession of the premises which form the basis of cancelling the trade license. It is contended that though the documents are on record, the same were not considered by the authority while rejecting the application.

4. Learned Counsel for the respondents invited my attention to the copy of the communication dated 30/5/2019 at page 60 of the paper book which records that the appellant were

directed to produce certain documents which they failed to produce. She would therefore justify the action of the respondents – corporation in cancelling the trade license.

5. Be that as it may, after the matter was heard for sometime, when I indicated whether the appellant could be heard as the learned counsel for the appellant now says that the appellant has all documents in his possession, learned counsel for respondents – corporation, on instructions fairly submitted that if the appellant presents himself before the Deputy Municipal Commissioner, Zone – VI on 22/7/2019, at 11.00 a.m., along with all relevant documents, the Deputy Municipal Commissioner, Zone – VI, will consider the issue afresh after hearing the appellant and considering the documents produced.

6. In this view of the matter and as learned counsel for the appellant sated that the appellant would remain present before the Deputy Municipal Commissioner, Zone – VI on 22/7/2019 at 11.00 a.m., with all documents, the order dated 6/2/2013 at page 56 of the paper book is set aside.

7. The Deputy Municipal Commissioner, Zone – VI, to pass a fresh order in accordance with law within a period of 4 weeks from 22/7/2019.

8. All contentions are kept open.

9. However, in the circumstances of the present case it is made clear that till the Deputy Municipal Commissioner, Zone – VI passes a fresh order within a stipulated period herein above, no activity permissible under the trade license dated 21/8/2012 will be carried out by the appellant and even learned counsel for appellant on instructions states that the appellant undertakes not to carry out such activities. The undertaking is accepted.

10. In this view of the matter, the Appeal from Order is disposed of.

11. As nothing survives now for consideration in the Suit, learned counsel for the appellant states that he would make an application for withdrawal of the suit within a period of 1 week from today.

12. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of.

(M.S.KARNIK, J.)