

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****WRIT PETITION (L) NO. 2529 OF 2019****ALONGWITH****WRIT PETITION (L) NO. 2530 OF 2019****ACE Clubs and Resorts Private Limited Petitioner****VERSUS****The Municipal Commissioner of Municipal
Corporation of Greater Mumbai & Anr. Respondents**

Mr.Ashraf Ahmed Shaikh for the Petitioner.

Mr.R.Y.Sirsikar, i/b. Mr.Funde for the Respondent nos.1 and 2 –
M.C.G.M.**CORAM : R.D. DHANUKA, J.****DATE : 23rd SEPTEMBER, 2019****P.C.**

Mr.Sirsikar, learned counsel for the respondent nos. 1 and 2 states that the Assistant Municipal Commissioner, H/W Ward would hear the appeal in compliance with the order dated 28th August,2019 and not the Medical Officer, H/West Ward. Learned counsel for the petitioner invited my attention to the four notices issued by the Medical Officer calling upon the petitioner to remain present for the hearing though the matter is on board and is adjourned from time to time at the instance of the Municipal Corporation for taking instructions.

2. In view of the statement made by the learned counsel for the Municipal Corporation that the Assistant Municipal Commissioner, H/W Ward will hear the appeal, Medical Officer, H/West Ward is directed not to issue further notices to the petitioner for hearing.

3. Learned counsel for the petitioner on instruction states that his client has already removed the kitchen in the concerned restaurant which is subject matter of these petitions. The petitioner is at liberty to bring these facts to the notice of the Assistant Municipal Commissioner, H/W Ward on the date of hearing as may be fixed by the learned Assistant Municipal Commissioner, H/W Ward.

4. The petitioner has also applied for Fire Compliance Certificate in respect of which inspection has already been carried out by the concerned department. If any such Fire Compliance Certificate is obtained by the petitioner, the same shall also be brought to the notice of the Assistant Municipal Commissioner, H/W Ward at the time of hearing.

5. The learned Assistant Municipal Commissioner, H/W Ward is directed to hear the petitioner and pass an order within four weeks from the date of the communication of this order.

6. If any adverse order is passed against the petitioner by the authority, the same shall not be implemented for two weeks from the date of communication of such order.

7. Till such time an appropriate order is passed by the appropriate officer and for a period of two weeks from the date of the communication of the order, if the same is adverse against the petitioners, *ad-interim* relief granted by this court on 30th August, 2019 to continue.

8. Both the writ petitions are disposed of on the aforesaid terms.
No order as to costs.

9. The parties as well as the concerned authority to act on the
authenticated copy of this order.

[R.D.DHANUKA, J.]