

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 175 OF 2021****WITH****I.A. NO.1792 OF 2021****IN****APPEAL FROM ORDER NO. 175 OF 2021**

Suyog Telematics Limited,
Through Director
Mr. Shivshankar Lature

.....Appellant
/Applicant.

Vs.

The Assistant Municipal Commissioner
(Building And Factory Department) & Ors.

.....Respondents.

Mr. Ansari Asggar Kalim for the Appellant/Applicant.
Smt. Madhuri More for the Respondent-BMC.

CORAM : A. S. GADKARI, J.
DATE : 25th AUGUST, 2021.

P.C.:-

It appears from the record that, Mrs. Malti Yadav, the landlord (Respondent No.3 herein) has filed Applications for regularization of erection of Cell Towers before the Designated Officer (Building and Factory Department) i.e. the Respondent No.1 herein on 4th January, 2021. The Appellant/Applicant has also filed an Application for regularization of Cell Tower with the Respondent No.1 as per the Rules and Regulations. The Appellant/Applicant ought to have filed Applications with the Designated

Officer of Building Proposal Department.

2 In view thereof, this Court finds that, no interference is called for in the impugned Order dated 18th March, 2021 passed by the Trial Court. Even otherwise, the impugned Order is purely interlocutory Order refusing to grant ad-interim relief in favour of the Appellant/Applicant. No error can be found from the impugned Order refusing to grant ad-interim protection to the Appellant/Applicant.

Appeal being dehors of merits, is accordingly dismissed.

3 In view of dismissal of Appeal from Order itself, Interim Application No.1792 of 2021 does not survive and is accordingly disposed off.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2021.09.04
17:37:41 +0530