

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

WRIT PETITION NO.2868 OF 2021

M/s. Thane Clean Environment Pvt. Ltd. & Anr. ...Petitioners

Versus

Thane Municipal Corporation
Through its Municipal Commissioner & Ors. ...Respondents

Mr. Mayur Khandeparkar a/w. Ms. Minal Chandnani i/b. Jaiwant S. Chandnani Associates for the Petitioners.

Mr. R.S.Apte, Senior Counsel a/w. Mr. N.R.Bubna for Respondent Nos. 1 and 2.

Mr. A.I. Patel, Addl. GP for the Respondent-State.

**CORAM : A. A. SAYED &
 S.G.DIGE, JJ.**

DATED : 17th September, 2021

P.C.:

1. Pursuant to our earlier order dated 17th July, 2021 directing that the matter be placed before the General Body Meeting of the Respondent - Corporation for reconsideration of its earlier decision in light of the stand of the Respondent -Corporation, we are told that the General Body Meeting has reconsidered its earlier decision vide Resolution No. 211 dated 17th August, 2021. Copy of the said General Body Resolution No.211 dated 17th August,

2021 is placed on record and marked 'X'. Learned Senior Counsel for the Respondent-Corporation states on instructions that in view of the General Body Resolution No.211 dated 17th August 2021 and the Affidavit-in-Reply filed by the Respondent-Corporation, the Respondent Corporation would have no objection if the Writ Petition is allowed in terms of the prayer clause (a). He further states that the General Body Resolution No.603, dated 7 April 2021 now stands revoked.

2. In light of the above, we allow the Petition in terms of prayer clause (a) which reads as follows:

“a) this Hon’ble Court be pleased to issue Writ of Mandamus or any other appropriate writ, order or direction thereby calling for proceedings from the Respondents in respect of Termination Notice dated 20th May, 2020 bearing Reference Number TMC/ SWM/ Add/ MC- II/19 (which is annexed at Exh “A” to the present petition) this Hon’ble Court be pleased to examine the legality and propriety of the said Termination Notice, be pleased to quash and set aside the same on the terms and conditions as this Hon’ble Court may deem fit and proper”.

We make it clear that the General Body Resolution No.603 dated 7 April 2021 shall stand revoked.

3. The Petition is allowed in the aforesaid terms. Necessary consequences shall ensue. All contentions of the parties are kept open.

(S.G.DIGE, J.)

(A. A. SAYED, J.)