

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 273 OF 2021
WITH
INTERIM APPLICATION NO. 2454 OF 2021**

Sunil Jamnadas Babani

... Appellant

V/s.

Designated Officer-I,

Asst. Engineer (Bldg. & Fact) & Anr.

... Respondents

Mr.PJ. Thorat for Appellant.

Mr.Dharmesh Vyas a/w. Mrs.Madhuri More for Respondents-Corporation.

CORAM : A.S. GADKARI, J.

DATE : 29th November 2021.

PC. :

1. Mr.Thorat, learned counsel for the Appellant on instructions submitted that, the Appellant has already filed an application for regularization/retention of the suit structure.

2. In view thereof, the Competent Authority of Respondents-Corporation is directed to consider the said application on its own merits, as per the provisions of law and without being influenced by the fact that the Appellant has withdrawn the present Appeal.

3. In view thereof, Mr.Thorat, learned counsel for the Appellant seeks leave to withdraw the present Appeal unconditionally.

Leave granted.

4. Appeal is disposed off as withdrawn.

5. In view of disposal of Appeal, Interim Application No.2454 of 2021 does not survive and is accordingly disposed off.

6. The Competent Authority of Respondents-Corporation is directed to consider the said application for regularization/retention filed by Appellant, within a period of four weeks from the date of receipt of the present Order. Till then, ad-interim relief granted by Order dated 22nd September 2021 to remain in operation.

7. It is made clear that, in case the Competent Authority decides the application of the Appellant against him, the Appellant shall not claim any equity in the matter.

[A.S. GADKARI, J.]

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