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

**APPEAL FROM ORDER NO. 272 OF 2021
WITH
INTERIM APPLICATION NO. 2452 OF 2021**

Unique Apartments Co-operative Housing
Society .. Appellant

vs.

The Municipal Corporation of
Greater Mumbai and anr. .. Respondents

Mr. Amogh Singh i/b Ms. Renuka Kapadia, for Appellant.
Ms. Vaishali Choudhary a/w Mr. R.Y. Sirsikar, for Respondent
– MCGM.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 12, 2022.

P.C. :

1. The present appeal is filed challenging the order dated 10th August, 2021 passed by City Civil Court at Bombay, Greater Mumbai, in draft Notice of Motion in LC Suit ST No. 5588 of 2021. The Appellant is the original plaintiff before the City Civil Court and has filed the suit along with notice

of motion for setting aside two notices both dated 24th December, 2020 u/s 55 and u/s 53(1) of Maharashtra Regional and Town Planning Act, 1966.

2. The Advocate for Appellant submits that, pursuant to the issuance of impugned notices, an application for regularization is preferred by the developer i.e., Sun Moon Developers Ltd. through its architect before the Municipal Corporation and the same is pending till date.

3. During the course of hearing, the Id. Advocate for Respondent-Municipal Corporation submitted a list of 22 compliances which needs to be submitted by the Architect of the Developer for regularization.

4. The Advocate for the Appellant on instructions from architect who is present in court states that the compliances of the requisitions will be done and the same shall be submitted to the Municipal Corporation within a period of four months from today.

5. The Respondent-Municipal Corporation shall then decide the regularization application on its own merits once such

compliances are submitted. The Respondent is directed not to take any coercive steps on basis of the impugned notices till the time the application for regularization is finally decided by the Respondent-Municipal Corporation. In the event the application for regularization is rejected, the Appellant or Developer would be at liberty to challenge the same as may be permissible in law.

6. It is clarified that this court has not expressed any opinion on merits of the matter. In view of the above the present Appeal from Order and Interim Application is disposed off with no order as to costs.

7. The parties shall act upon the authenticated copy of this order.

(M. S. KARNIK, J.)