

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1271 OF 2023

in

APPEAL FROM ORDER NO.154 OF 2021

RAFIQUE SHAKOOR

..Applicant

Vs.

**MUNICIPAL CORPORATION OF
GREATER MUMBAI AND ANR.**

...Respondents

Mr. Satyavan N. Vaishnav with Ms.Nupur J. Mukherjee i/b.
M/s.N.N.Vaishnawa & Co., for the Applicant.

Ms.Smita Tondwalkar, for Respondent No.1-MCGM.

Mr.Sanjiv Kadam with Mr.Yogesh M. Birajdar, for Respondent No.2.

Mr.Rahul Jadhav, S.E. H/W ward present.

CORAM : G.S. KULKARNI, J.

DATE : FEBRUARY 15, 2023

PC. :-

1. By an order dated 19 December 2022 passed by the Co-ordinate Bench of this Court, this appeal from order was disposed of by recording the following statement on behalf of the Municipal Corporation in paragraph (6) of the order, which reads thus:

“6. Learned Counsel for the Corporation submits that the electricity connection of these structures was disconnected to

avoid fire accident in the course of demolition of the main building. He submits that the demolition will be concluded within four weeks and the electricity of these three premises will be restored after completion of the demolition process. Statement accepted.”

2. It is informed by Mr.Kadam, learned Counsel for respondent no.2 that by an order dated 9 February 2023 passed by this Court the time to complete the demolition was further extended for a period of three weeks, as a matter of last chance. The period of three weeks shall come to an end on 2 March 2023.

3. It is informed by Mr.Kadam, learned Counsel for respondent No.2- society that the municipal corporation has handed over the work of demolition to the society and the society shall complete the said demolition within the extended time as directed by this Court in its order dated 9 February 2023. Accepting the statement of Mr.Kadam, in my opinion, no orders are required to be passed on this application.

4. The application is accordingly, disposed of keeping open all the contentions of the parties.

5. Needless to observe that the municipal corporation shall restore the electricity as observed in the order dated 19 December 2022. All contention of the applicant are expressly kept open.

[G.S. KULKARNI, J.]