

H.C. SHIV

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
APPEAL FROM ORDER NO.726 OF 2024  
WITH  
INTERIM APPLICATION NO.13918 OF 2024**

Anant Vishnu Bidwadkar

...Appellant

vs.

Municipal Corporation of  
Greater Mumbai

...Respondent

Mr. C. K. Tripathi for the Appellant.

Ms. Seena Rawade for the Respondent-Corporation.

Mr. Siddhanth Rajaram Sonawane A.E. (B & F) F/South Ward.

**CORAM : SHYAM C. CHANDAK, J.**

**DATED : 17th OCTOBER, 2024**

**P. C. :**

. Heard learned Counsel for the parties.

2) Learned Counsel for the Appellant states that the Appellant has in his possession a notice dated 27<sup>th</sup> July 1961, which indicates that the subject notice structure is of prior to 1962. If the Respondent allows the Appellant to file a fresh reply to the impugned notice under Section 351 enclosing said notice dated 27<sup>th</sup> July 1961, re-open an inquiry and pass a fresh speaking Order, then he would withdraw the Appeal.

2) Learned Counsel for the Respondent, on instructions, submits that the concerned officer of the Respondent may be directed to consider the matter afresh, to complete inquiry and pass a fresh speaking Order in a time bound manner. As a result the Appeal

deserves to be disposed of with necessary directions, accordingly.

Hence, following Order :-

**ORDER**

- (i) Appeal is disposed of.
- (ii) The Appellant is permitted to file additional reply enclosing the alleged notice dated 27<sup>th</sup> July 1961, within two weeks from today. Thereafter, the Respondent-Corporation shall re-open the enquiry, grant an opportunity of hearing to the Appellant and pass a fresh speaking order within one month.
- (iii) It is made clear that genuineness of the said notice dated 27<sup>th</sup> July 1961, and its contents is subject to satisfaction of the Enquiry Officer concerned.
- (iii) Interim stay granted earlier vide order dated 27<sup>th</sup> September, 2024 by the trial Court, shall continue to operate until passing of fresh speaking order and three weeks thereafter, if the speaking order is adverse to the Appellants.
- (iv) It is made clear that there shall be no unauthorised change in the suit/subject notice structure in any manner.

[SHYAM C. CHANDAK, J.]