

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 638 OF 2024
WITH
INTERIM APPLICATION NO. 12380 OF 20245
IN
APPEAL FROM ORDER NO. 638 OF 2024**

M/s. Mehta and Co. Thr.
Its Partner Mr. Adarsh Varma

.....Appellant

Vs.

Municipal Corporation of Greater Mumbai
Thr. The Municipal Commissioner and anr

.....Respondents

Mr. Girish Godbole, Senior Advocate, a/w Mr. Kunal Bhanage i/b Mr. Akshay Pawar for the appellant

Mr. Chaitanya Chavan a/w Mr. Om Suryavanshi for respondent BMC

Mr. Subhash Sambre, Senior Estate Inspector present.

Mr. Tukaram Ide, Estate Inspector present.

CORAM : GAURI GODSE, J.

DATE : 25th MARCH 2025

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ORDER:

1. Pursuant to the last order, I have heard both the parties for final disposal of the appeal.

2. Learned counsel for the Corporation submits that pursuant to the order dated 14th February 2025, learned advocate for the Corporation had sought instructions from Mr. Mahesh Patil, Assistant

Commissioner and Mr. Prithviraj Chavan, Assistant Commissioner (Estate) who is responsible for taking a decision on the plaintiffs entitlement under the Cluster Development and Regulation 33(9) of Development Control and Promotion Regulation 2034.

3. Learned counsel for the Corporation submits that Mr. Mahesh Patil, Assistant Commissioner had instructed the demolition as stated in the written statement in clause (L) of paragraph 6 of the written statement. He submits that he will place on record copy of the instructions dated 3rd January 2024.

4. Learned counsel for the Corporation, therefore, submits that by way of last chance to the Corporation, the decision in the appeal be deferred till tomorrow. He submits that the concerned officers who are responsible to take the decision shall remain present tomorrow to enable the learned counsel for the Corporation to respond to the suggestion made on behalf of the appellant, as recorded in the order dated 14th February 2025.

5. By way of a last chance to the learned counsel for the Corporation to take appropriate instructions from the concerned officers, stand over to 26th March 2025.

6. To be listed for passing order.

[GAURI GODSE, J.]