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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 638 OF 2024
WITH
INTERIM APPLICATION NO. 12380 OF 2024**

M/s. Mehta and Co. through its ... Appellant/Applicant
partner Mr. Adarsh Sharma

Vs.

The Municipal Corporation of ... Respondents
Greater Mumbai through the
Municipal Commissioner and Another

Mr. Kunal Bhanage i/b. Mr. Akshay Pawar for the
Appellant/Applicant.

Ms. Chaitanya Chavan a/w. Mr. Om Suryavanshi and Mr. Amol
Diwte for BMC.

Mr. Subhash Ssambre, Senior Estate Inspector present.

Ms. Mansi Mistri – Estate Officer.

Mr. Tukaram Ide – Estate Inspector.

CORAM : GAURI GODSE, J.

DATE : 26th MARCH 2025

ORDER :

1. Pursuant to order dated 25th March 2025 learned counsel for the corporation has tendered copy of office noting dated 3rd January 2024 and circular dated 17th November 2020. The copies are taken on record.

2. Though all the arguments were concluded yesterday and the appeal was listed today for passing order, learned counsel for the corporation submits that he would want to rely upon the circular. There is no dispute that there are no pleadings in the written statement with reference to the circular and the circular was never placed on record before the City Civil Court. However, to give an opportunity to the corporation to justify their action of demolition, I permitted learned counsel for the corporation to make his submissions based on the circular.

3. Learned counsel for the appellant submits that neither copy of the circular nor office noting dated 3rd January 2024 was anytime served upon the appellant.

4. Learned counsel for the corporation submits that he will supply both copies to the learned counsel for the appellant today.

5. Though learned counsel for the corporation had yesterday requested for time and submitted that the concerned officers shall remain present to enable him to respond to the suggestion that was made on behalf of the appellant, learned counsel submits that the officers are not present. It is therefore clear that the corporation is not interested in responding to the court's query or suggestions made on behalf of the appellant.

6. Learned counsel for the appellant is granted time till 2nd April 2025 to go through the circular and office noting and make his submissions.
7. List the appeal on 2nd April 2025. To be listed First on Board as part-heard.

[GAURI GODSE, J.]