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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 252 OF 2025
WITH
INTERIM APPLICATION NO. 7635 OF 2025**

Hotel Sahil Private Limited ... Appellant/Applicant

vs.

The Mumbai Municipal Corporation of ... Respondent
Greater Bombay

Mr. Pradeep Thorat i/b. Jariwala Associates for Appellant/Applicant

Ms. Neeta Jadhav i/b. Ms. Komal Punjabi for Respondent-BMC.

Mr. Girish S. Godbole, Senior Advocate, Mr. Mayur Khandeparkar,

Ms. Rujuta Patil, Mr. Hasan Mushabber i/b. Mr. Yohaam Shah i/b.

Negandhi Shah & Himayatullah for Respondent No.4.

CORAM : GAURI GODSE, J.

DATED : 24th APRIL 2025

ORDER:

1. Not on board. Taken on production board.
2. This appeal is preferred by the plaintiff to challenge the refusal of grant of ad-interim relief. The suit is filed to challenge the notice under Section 351 of the Mumbai Municipal Corporation Act, 1888 ('MMC Act') and the speaking order.
3. Learned counsel for the appellant submits that ad-interim

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relief is refused on 23rd April 2025. However, the order copy is not yet available. He submits that earlier the City Civil Court had directed the corporation to pass a fresh speaking order and protection was granted till the passing of the speaking order and thereafter, for a period of 7 days. He submits that the said protection was operative till 18th December 2024. He submits that thereafter for a certain time, the ad-interim protection was extended. However, from 17th February 2025, there is no order of protection.

4. Learned counsel for the appellant submits that a notice dated 7th April 2025, was issued under Section 488 of MMC Act, intimating that the demolition is scheduled on 22nd April 2025. Hence, the notice of motion was urgently circulated and it was listed on 21st April 2025, but on that day, the regular court was not available; hence, the notice of motion was moved before the in-charge court. However, the in-charge court did not hear the matter and ultimately the notice of motion was heard for ad-interim relief by the regular court. He submits that the demolition is scheduled today with police protection. Hence, this appeal is circulated for ad-interim protection.

5. Learned counsel for the appellant relies upon the plan of 2011 which was submitted before the corporation, but was not even considered while passing the speaking order. He submits that there

is no unauthorised construction carried out and if the plan is examined by the corporation, it will reveal that there is no unauthorised construction. He submits that ad-interim protection be granted.

6. Learned counsel for the corporation seeks time to take instructions.

7. The appellant has a right to be heard in this appeal. However, without the reasoned order, it is not possible to examine the merits of the order refusing ad-interim relief. Hence, till the reasoned order is made available and the appellant is heard, the appellant deserves protection.

8. Hence, no coercive action to be taken to implement the impugned notice and the speaking order till the next date.

9. List the appeal on 2nd May 2025. To be listed High on Board under the caption for 'admission'.

10. If a reasoned order is made available, the appellant is at liberty to annex the order and add grounds of challenge. The appellant is also at liberty to annex copies of other documents which are not yet annexed.

(GAURI GODSE, J.)