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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 429 OF 2025
WITH
INTERIM APPLICATION NO. 10552 OF 2025**

Shamim Saleem Shaikh ... Appellant/Applicant

Vs.

The Brihan Mumbai Municipal ... Respondents

Corporation Greater Mumbai

through designated Officer

H/West Ward

Ms. Manjiri Parasnis for the Appellant/Applicant.

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

CORAM : GAURI GODSE, J.

DATE : 5th AUGUST 2025

ORDER :

1. Learned counsel for the appellant has tendered affidavit-cum-undertaking of the appellant which according to the learned counsel for the appellant is in compliance of order dated 29th July 2025 permitting the appellant to file an undertaking for submitting proposal for regularisation. The affidavit-cum-undertaking is filed with a statement that the plans submitted by the corporation shows the subject premises as dispensary, and despite the said plan the

appellant is agreeable to apply for regularisation.

2. The notice issued by the corporation under Section 53(1) of the MRTP Act describes the unauthorised development by the appellant as unauthorised addition/alteration and lowering of plinth in parking area i.e. shop no.2 unauthorised construction of cafe in parking area admeasuring 11 x 3.21 meters by using BM Wall. Hence, the affidavit-cum-undertaking tendered in the court which is conditional in nature cannot be accepted.

3. At this stage, learned counsel for the appellant submits that the appellant would file a plain and simple undertaking as permitted by order dated 29th July 2025. By way of last chance, time is granted to file such an undertaking. Copy of the undertaking shall be supplied to learned counsel for the counsel for the corporation by 7th August 2025.

4. List the appeal on 12th August 2025. To be listed First on Board under the caption for "Dismissal". Till the next date, the ad-interim protection granted shall continue.

[GAURI GODSE, J.]