

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1084 OF 2022
WITH
INTERIM APPLICATION NO. 2262 OF 2026

M/s. Dev Marketing (thr. His Partner
Rohan Amarshi Satra) ... Appellant

V/s.
The Municipal Corporation of Greater
Mumbai thr. Its Commissioner & Anr. ... Respondents

Mr. Prathamesh Bhargude a/w. Ms. Babita Kesharwani i/b. Mr. Gurubala
Birajdar for the Appellant.

Ms. Neeta Jadhav i/b. Ms. Komal Punjabi for Respondent – MCGM.

Mr. Yashpal Hangargekar, Assistant Engineer (B&F) K-West Ward present.

Mr. Nirav Kumar Jaisur, Senior Engineer (B&F) K-West Ward present.

CORAM : FARHAN P. DUBASH, J.

DATE : 1st APRIL 2026

P. C.:

1. Pursuant to the order dated 27th March 2026 passed by this Court, the concerned officers of the Respondent–Corporation are present in Court today. They make a statement on the basis of which not only the present Appeal, but even the Suit which is pending in the Trial Court can be disposed of. In their presence, the said statement is recorded hereunder:

(i) The Respondent – Corporation forthwith
withdraws the notice dated 17th November 2021 issued

under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 and the subsequent speaking order dated 7th April 2022.

(ii) The Respondent – Corporation shall give a hearing to the Appellant/original Plaintiff on whether or not the permission dated 16th November 2015 that was originally granted to it should be cancelled. The Appellant/original Plaintiff shall remain present before the concerned officers of the Respondent – Corporation on 9th April 2026 at 12:00 p.m., at the Office of Assistant Commissioner, K/West Ward, Designated Officer - (B&F) Department, 6th Floor, K/West Ward, Paliram Path, Andheri (West), Mumbai.

(iii) The Appellant shall be permitted to make oral submissions and tender documents that he seeks to rely upon in support of his contentions.

(iv) The Respondent – Corporation shall thereafter pass necessary orders and a copy of which shall be served on the Appellant/original Plaintiff prior to any action being taken by them.

(v) After hearing the parties, if the Respondent – Corporation passes any adverse orders against Appellant/original Plaintiff, the Respondent – Corporation shall provide a period of at least seven days to the Appellant/original Plaintiff to approach the appropriate Court to seek protection.

2. The present Appeal From Order, together with Interim Applications taken out in the present Appeal From Order, if any, shall stand disposed of, and interim orders, if any, shall stand vacated in terms of the above order.

3. The Suit no. 1053 of 2022 filed before the Trial Court, in which the Notice of Motions dated 17th November 2021 and 7th April 2022, which have been challenged, can also be disposed of in terms of the above order and parties undertake to place this order before the Trial Court and seek disposal of the said Suit in terms thereof at the earliest.

(FARHAN P. DUBASH, J.)

Ajay Jadhav