

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 631 OF 2024

The Municipal Corporation of
Greater Mumbai & Ors.

.. Appellants

V/s.

Neelkamal Realtors & Builders Pvt. Ltd. & Anr.

.. Respondents

WITH
INTERIM APPLICATION NO. 12286 OF 2024
IN
APPEAL FROM ORDER NO. 631 OF 2024

Mr. Narendra V. Walawalkar, Senior Counsel a/w. Ms. Neeta Jadhav i/b. Ms. Komal Punjabi for Appellant – BMC.

Ms. Rujuta Patil i/b. Megandhi Shah & Himayatullah for Respondent no. 1

Mr. Jayesh Mestry for Respondent no. 2.

CORAM : FARHAN P DUBASH, J.

DATE : 23rd MARCH 2026

P.C.:

1. Mr. Narendra Walawalkar, learned Senior Counsel who appears on behalf of the Appellant – Corporation submits that the present Appeal challenges an ad-interim order dated 1st July 2024 passed by the Trial Court in the Suit filed by Respondent no. 1/original Plaintiff who sought to challenge the notice under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 (**the MRTP Act**)

issued by the original Defendant no. 2. By the impugned ad-interim order, the Trial Court granted reliefs in terms of prayer clause (a) pending the hearing of the Notice of Motion.

2. The parties have informed this Court that the hearing of the Notice of Motion has already commenced and that the same is part heard and the next date of hearing is scheduled on 10th April 2026. Considering this and in the interest of justice and considering that the ad-interim order has been in force since 1st July 2024, this Court is not inclined to entertain the challenge to the impugned ad-interim order. Accordingly the following order is passed :

:: ORDER ::

(i) The Trial Court is directed to hear and dispose of Notice of Motion no. 2746 of 2024 as expeditiously as possible and in any event, on or before 8th May 2026.

(ii) The Trial Court shall not be influenced by any of the observations that are contained in the ad-interim order dated 1st July 2024 and shall decide the matter on merits after hearing the parties.

(iii) The present Appeal from order is disposed

of in terms of the above order.

(iv) All pending Interim Applications taken out in the present Appeal from Order if any, also stand disposed of in terms of this order, and all interim orders passed therein, if any, shall stand vacated.

(FARHAN P. DUBASH, J.)

Ajay Jadhav