

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.6980 OF 2022**

Vinesh Kantilal Gudhka/Shah ... Petitioner.

V/s.

State of Maharashtra & Ors. ... Respondents.

Mr. J.S. Kini a/w. Adv. Aum Kini i/by Adv. Sapna Krishnappa for the Petitioner.

Ms. Rupali Shinde, AGP, for the Respondent No.1-State.

Adv. M.J. Bhatt for Respondent Nos.2 to 6.

Mr. R.D. Suryawanshi for Respondent No.7.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 17th March, 2025.

RC.:-

1) Despite granting sufficient opportunity on earlier occasion, the Respondent No.4 i.e. Assistant Commissioner of Respondent No.2-Corporation did not get time to instruct their Advocate and to file reply as per our directions vide Order dated 14th February, 2025. For want of proper information on Affidavit from Respondent No.4 we are unable to proceed with the hearing of the Petition for its final adjudication.

2) In view thereof, left with no other alternative, we direct

Respondent No.3 i.e. the Commissioner, Bhiwandi Nijampur City Municipal Corporation to file his detailed reply to the Petition. The Respondent No.3 shall not delegate his powers to any subordinate Officer for filing the said reply. We also expect from Respondent No.3 to explain on oath, why Respondent No.4 has failed in his duty in giving instructions to the Advocate and more importantly to comply with our Orders of filing Affidavit in Reply to the Petition.

3) The said Affidavit be filed within a period of two weeks from today without seeking an extension in that behalf. If the Respondent No.3 fails to file the reply as directed hereinabove this Court will be constrained to draw adverse inference and comment on the functioning of all the concerned Officers of Respondent No.2.

4) Learned Advocate appearing for Respondent Nos.2 to 6 is directed to place present Order before the Commissioner of the Bhiwandi Nijampur City Municipal Corporation-Respondent No.2.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)