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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 21023 OF 2025

Hey Hotels and Restaurant Private Limited ... Petitioner
v/s.
Municipal Corporation of Greater Mumbai
& Ors. ... Respondents

Mr. Tejesh Dande a/w. Adv. Suresh Sabrad, Adv. Pratik Sabrad,
Adv. Amey Sawant, Adv. Neha Parte, Adv. Bharat G. for
the Petitioner.

Ms. Anuja Tirmali i/by Adv. Komal Punjabi for the Respondent-
BMC.

Dr. Kalpesh Bhalerao, officer, 'S' ward.

Mr. B. T. Khamkar, officer, 'S' ward.

CORAM : Kamal Khata, J.
DATED : 11th July 2025.

P.C.:-

1. By this Petition filed under Article 226 of the Constitution of India, the Petitioner challenges the impugned Order dated 19th July 2025, whereby Respondent No.1 revoked Health License No. 888003755 issued in the name of M/s. Hey Hotel and Restaurant Pvt. Ltd. (The Coastal Tawa)

under Section 479 of the Brihanmumbai Municipal Corporation Act, 1888 (“BMC Act”).

2. Mr. Dande, learned Advocate for the Petitioner, submits that a mere perusal of the Order dated 19th July 2025 reveals that it is based solely on a letter dated 25th June 2025 received from the Executive Engineer, Maharashtra Housing and Area Development Authority (“MHADA”). The said letter alleges that the documents pertaining to permission for repairs and the photo pass with the plan of the premises are fabricated and not issued by MHADA. It also claims that the plot in question was never allotted by MHADA—either on rental or ownership basis—to Mr. Amit Rajaram Chavan, Mr. Jagdish Suvarna, or Mrs. Malti Jagdish Suvarna. It is on the basis of this communication that the BMC proceeded to revoke the Health License, which was granted based on those documents.

3. He further submits that Respondent No.1 failed to independently verify the truth of the allegations made by MHADA and that no opportunity was granted to the Petitioner to explain or defend against the said allegations. He contends that MHADA had, by letter dated 5th December

2019, granted permission to amalgamate the shops, and the Health License in favour of the Petitioner has been renewed from time to time and remains valid until 31st March 2026.

4. Ms. Tirmali, learned Advocate for Respondent No.1-BMC, submitted that a notice was issued on 21st May 2025, and the reply dated 23rd May 2025 was duly considered before passing the impugned Order. Hence, according to her, the Order is passed in accordance with law.

5. Upon hearing both sides, the learned Advocate for the Respondents was called upon to demonstrate the specific conditions of the license that were allegedly breached under Section 479 of the BMC Act. She submitted that the original license containing such conditions was not available either with her or with her instructing officer. Consequently, she was unable to show which conditions were allegedly breached by the Petitioner.

6. Upon hearing the submissions of the Petitioner's Advocate and perusing the papers and proceedings—particularly the Notice dated 9th July 2025, the permissions granted by MHADA, and the license issued by the BMC—it appears that Respondent No.1 revoked the Health License

without conducting an independent verification of the allegations made in MHADA's letter dated 25th June 2025. The response of Respondent No.1 is, therefore, necessary for proper adjudication.

7. Respondent No.1 accordingly directed to file reply on or before 25th July, 2025.

8. In the meantime, I am of the view that, the Petitioner is entitled to interim protection. Accordingly, ad interim relief is granted in terms of prayer clause (c) of the Petition until the next date.

9. The Respondent No.1 is directed to change the online status of the license to "restored" or "active".

10. The Respondent No.1 shall inform all concerned about the restoration of the license until the next date.

11. List the matter on 4th August, 2025.

(Kamal Khata, J.)