

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 1195 OF 2022**

Mega Infrastructure Developers

.....Petitioner

Vs.

Municipal Corporation of
Greater Mumbai & Ors.

.....Respondents

Mr. Akash Rebello a/w Adv. Paras Gosar, Adv. Raj Awasthi, Adv. Rajil Menon, Adv. Pragya Mishra, Adv. Bushra Sayed i/by V. Shukla & Associates for the Petitioner.

Smt. Purnima Kanthariya a/w Ms. S.V. Tondwalkar i/by Adv. Komal Punjabi for the Respondent Nos.1 to 3-BMC.

Mr. Y.R. Mishra a/w Adv. Upendra Lokegaonkar and Sachidanand T. Singh for the Respondent No.4.

Mr. Girish Paryani i/by A & G Legal Associates for the Respondent No.5.

Mr. Abhay L. Patki, Addl. G.P. for the Respondent No.6-State.

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

DATE : 5th MARCH, 2025.

PC.:-

1) Despite granting opportunities on earlier occasions in last about two years, the Respondents did not file reply to the Petition.

2) As usual and as a routine, in this case also the officers of the Respondent Nos.1 to 3 have not filed their reply in opposition of the Petition within stipulated period in pursuance of earlier Orders by this Court and even after granting extension by Order dated 13th February, 2023.

2.1) Therefore a presumption under the law can be drawn that, the

Respondents are not serious enough in opposing the Petition.

3) Smt. Kanthariya, learned counsel for the Respondent Nos.1 to 3 on instructions submitted that, due to inadvertence on the part of concerned Officers who were holding charge, reply remained to be filed. She on instructions further submitted that, for condonation of delay in filing the reply, Mr. Sushant Mitkar, Assistant Engineer (D.P) and Mr. Amit Patil, Assistant Engineer (B.P) will jointly and/or severally pay a cost of Rs.20,000/- from their own pockets to the High Court Employees Medical Welfare Fund at Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

3.1) Details of the bank account for payment of cost are as under :-

Account Name :- The High Court Employees Medical Welfare Fund at Mumbai.

Account Number :- 000120110001337.

Bank Name :- Bank of India.

Branch Name :- Mumbai (Main).

IFSC Code :- BKID0000001.

3.2) Subject to payment of the said cost as noted above within stipulated period to the said Welfare Fund, the period to file reply to the Respondent Nos.1 to 3 is extended by two weeks from the payment of the

said cost.

4) Record indicates that, the Respondent Nos. 4 and 5 have also not filed their respective replies in pursuance of Order dated 13th February, 2023, within stipulated period.

5) Learned counsel appearing for the said Respondents on instructions submitted that, for condonation of delay in filing their replies, the Respondent Nos.4 and 5 will also pay a cost of Rs.50,000/- each totalling to Rs.1,00,000/- to the High Court Employees Medical Welfare Fund at Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

5.1) Subject to payment of the said cost as noted above within stipulated period to the said Welfare Fund, Respondent Nos.4 and 5 are also permitted to file their respective replies in the Registry within a period of two weeks from the date of payment of the said cost.

6) Stand over to 2nd April, 2025.

7) To be listed under the caption "*for compliance*".

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
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by SANJIV
SHARNAPPA
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Date:
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