



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO.880/2026

Kumar Hotels Pvt.Ltd.

..VS..

**Nagpur Municipal Corporation, thr.Additional Commissioner, Dharampeth Zone No.2,
Behind Harane Mahila Samaj Bhavan, Gokulpegth, Nagpur**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Ms.Abhiruchi Ankit Agrawal, Chartered Accountant of the Petitioner.

CORAM : URMILA JOSHI-PHALKE & NIVEDITA PMEHTA, JJ.

DATE : 16/04/2026

1. In response to order dated 30.03.2026, further progress report is placed on record. As per Notice dated 24.11.1998, which is at Page No. 97 of the petition, the entire demolition work of "Poonam Tower" is completed. We have verified the said Notice as well as the compliance report. The area shown in the notice of compliance report tallies.

2. Perusal of the compliance report as well as the Notice shows that on basement, unauthorized areas 510.58 square meters and 123.42 square meters are already demolished. Service floor of 1000.39 square meters is also demolished. Area of 39.81 square meters of unauthorized construction on the first floor is also demolished. Area of 127.28 square meters from 1st to 8th floors is also demolished.

Thus, total area shown in the Notice as unauthorized construction is demolished, as per the said progress report.

3. By the said order, it was further directed to the petitioner to deposit amount Rs.9,97,717/- within two weeks to the Nagpur Municipal Corporation, Nagpur. However, there is no compliance of the same. The representative of the petitioner has submitted that the petitioner is not in

town. The said representative has also not shown a reasonable cause as to why he is absent before the Court.

4. Ms.Abhiruchi Ankit Agrawal, Chartered Accountant of the petitioner, is present. Regarding her representation, this Court has already shown displeasure and directed the petitioner to take appropriate arrangement for his representation. It is specifically observed in earlier order that the petitioner-in-person has removed his Advocate and sought permission to argue in-person, however he is remaining absent.

5. Today also, the petitioner is absent on the ground that he is out of town. It is already clarified, on the last occasion, that the Court cannot permit the petitioner to engage a private person to represent him and already directed him to make an appropriate arrangement for his representation, which is also not complied with.

6. The record shows that the petitioner is in habit of making statements and not complying the same.

7. Ms.Agrawal, Chartered Accountant, is also asked to seek instructions regarding depositing of the amount today itself and make a statement before this Court today at 2.30 pm and, therefore, the matter is kept at 2.30 p.m. today.

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1. At 2:30, the matter is called out.

2. Despite sufficient opportunity was granted, the petitioner has not deposited amount Rs.9,97,717/- which was directed to be deposited on 30.3.2026. This order was communicated to representative of the petitioner Ms.Abhiruchi

Agrawal who is present before this court. This order was within knowledge of the petitioner.

3. Today, in the morning, the said representative was present before this court. She was directed to seek instructions as to deposit of the said amount. She submitted that the petitioner is appearing through Video Conferencing. Accordingly, the petitioner appeared through Video Conferencing, but due to interruption in connection, there was no communication.

4. Previous observations of this court require to be noted. It shows that the petitioner has made statement before the court that he himself will demolish unauthorized construction as noted in notice dated 24.11.1998 and work of demolition shall commence on 16.2.2026 and shall be completed by 31.3.2026. The statement was recorded in order dated 10.2.2026. The statement was accepted as an undertaking given to the court. He was further directed to submit progress report of demolition along with photographs and the respondent was directed to monitor the demolition and also file progress report. A condition was also imposed that if the petitioner fails to commence demolition on 16.2.2026, the respondent shall proceed to demolish the unauthorized structure on 17.2.2026 and shall complete the demolition as expeditiously as possible.

5. On 23.2.2026, in response to order dated 10.2.2026, the petitioner filed document stating that it is progress report of demolition. Along with the said document, he has also filed photographs on record.

On going through the aforesaid document, it reveals that the petitioner has only filed photographs without disclosing

progress of the demolition and observed that order dated 10.2.2026 is not complied with by the petitioner.

6. On the same day, the respondent has filed an affidavit in compliance with order dated 10.2.2026 giving details of demolition, which was taken on record. The said affidavit indicates that on 16.2.2026 and 17.2.2026, the work of dewatering in basement was carried out. From 18.2.2026 to 22.2.2026, the petitioner has removed the unauthorized construction admeasuring 22 square meters. The other part of construction, which includes basement, construction on 1st to 8th floors, and additional service floor, which admeasures about 1300 square meters, has not even been touched. The progress report indicates that the said work is moving in an extremely slow pace.

7. The court also expressed displeasure regarding progress of demolition. However, one more opportunity was granted to the petitioner to complete demolition, as assured by him. At the same time, the respondent was reminded that it has to monitor the demolition i.e. timely completion of demolition. The respondent was also directed to deploy its staff to ensure that demolition is carried out well within time i.e. before 31.3.2026.

8. Despite the opportunity was granted to the petitioner, on 4.3.2026 this court again noted displeasure over slow speed of demolition work and it is specifically noted by the court that the petitioner has no intent to demolish/remove unauthorized structure as assured by him and, therefore, by focusing on compliance of the order, status report filed on record was considered and the respondent was directed to proceed to demolish/remove unauthorized structure from 5.3.2026.

9. Order dated 16.3.2026 further shows that said representative Ms.Abhiruchi Agrawal has tendered across the bar progress report of demolition of work stating, as per the petitioner, the work of demolition at the basement area of "Poonam Tower" is completed. Regarding 1st to 8th floors, it was already demolished in the year 1991, but was not verified by the NMC. Necessary notice was given in writing and that the NMC has accepted the said status.

10. The court further enquired learned counsel Shri J.B.Kasat appearing for the respondent and he submitted that the said portion is not demolished and that the same will be demolished in the stipulated time. The details of statements/submissions were considered and it was observed that for additional service floor, 70% of the work of demolition is done. Similar is the status report submitted by the NMC with a rider that the petitioner has stopped the work of demolition of "Poonam Tower" and that the entire work of demolition is being carried out by the NMC. Said representative Ms.Abhiruchi Agrawal accepted the said status given by the NMC. Thus, assurance of removal/demolition was given by the petitioner and on the basis of the said assurance, order was passed. The petitioner has, however, not honoured the commitment. The court specifically observed in the order that this aspect will also be considered in due course. For the time being, the work of removal/demolition of the unauthorized work was directed to be completed. The respondent was further directed to prepare estimate of removal/demolition work and submit it before the court on the next date.

11. In view of the order dated 16.3.2026, the respondent has placed on record estimated cost of the expenses for removal of

unauthorized/illegal structure at “Poonam Tower”, which is estimated at Rs.9,97,717/-. The petitioner was directed to deposit the said cost of demolition within two weeks with the respondent, as directed in the earlier order.

12. Order is passed in presence of representative Ms.Abhiruchi Agrawal, who is Chartered Accountant of the petitioner. The displeasure was expressed regarding absence of the petitioner by observing that the petitioner-in-person as well as his representative was permitted to appear in the matter. However, he failed to appear before the court and he has sent his representative, which is not permissible. Accordingly, direction was given that the petitioner to make appropriate arrangement for his representation.

13. This entire conduct of the petitioner shows that he is not intending to comply with orders of this court despite sufficient opportunity was granted.

14. Though the petitioner was knowing that the matter is listed today, he remained absent without any sufficient reason. No reason is informed for non deposit of the amount.

15. Today, at 2:30, the petitioner appeared through Video Conferencing before this court and submitted that he wants to make his submission. However, considering his past conduct, the direction to deposit amount Rs.9,97,717/- has not been complied with and on compliance of the said direction, his request of hearing can be considered if he makes out grounds.

16. On failure to deposit the said amount on or before 18.4.2026, appropriate orders shall be passed on the returnable date.

17. List the matter on 18.4.2026.

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