

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4542/2006  
 (From the judgement and order dated 23/02/2006 in A No. 16/1997  
 in WP No. 1800/1996 of The HIGH COURT OF BOMBAY)

CHHATRAPATI SHIVAJI MAHARAJ SMARAK SAMIT

Petitioner(s)

VERSUS

SARVAJANIK SHRI GANESHOTSAV MANDAL &ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and directions and  
 intervention and impleadment and exemption from filing O.T. and exemption  
 from filing O.T. and with prayer for interim relief ))

Date: 01/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. R.F. Nariman, Sr. Adv.

Mr. Himanshu Gupta, adv.

Mr. Brij Kishor Sah, Adv.

Mr. Nachiket Bhatt, Adv.

Mr. Vijay Nair, Adv.

Mr. Uday Bhanu Singh, Adv.

Mr. Shivaji M. Jadhav, Adv.

For Respondent(s)

Mr. S.S. Shinde, Adv.

Ms. Mukti Chowdhary, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Pallav Shishodia, Adv.

Mr. D.N. Mishra, Adv.

in IA No. 6 & 7

Mr. Manish Pitale, Adv.

Mr. Chander Shekhar Ashri ,Adv

Mr. Manish Pitale, aDv.

Mr. Vinay Navare, Adv.

Mr. NareshKumar, Adv.

Mr. T.Raja, Adv.

Mr. Chinmoy Khaladkar, Adv.

Mr. S.K. Nandy, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard this matter from time to time.

This order may be read in continuation of the order of this Court dated 25.04.2006 and orders passed by us in this matter subsequent thereto.

...2/-

- 2 -

We are today informed that all other objections have been met and now only one question remains, namely, the demand made by the Municipal Corporation from the petitioner demanding a certain amount on account of license fee. The petitioner has already filed an undertaking before the Corporation, clause 4 whereof reads as follows.

"4. As soon as the M.C.G.M. finalises and prescribes further standard terms for all Municipal complexes/PGS/Clubs etc. subject to such modifications necessitated in each case considering facts of each case, we agree to accept all such terms and conditions including condition for payment of compensation/fees which M.C.G.M. would prescribe for similar facilities."

The said undertaking has been produced before this Court and has been taken on record.

The undertaking given by the petitioner, in our view, puts the controversy to rest. As and when the

compensation/fees are demanded by the Corporation, the petitioner shall pay the same in accordance

with law. We, therefore dispose of this special leave petition directing the parties to act in accordance

with law and the agreement entered into between the parties.

We are also told by counsel for the petitioner, and not disputed by the counsel for the

respondents, that the Joggers Park is open to public and will be kept open to the public. In view of

this, I.As. No. 6 and 7 are dismissed.

(Ajay Kr. Jain)

(Vijay Dhawan)

Court Master

Court Master