

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 92 OF 2021  
WITH  
INTERIM APPLICATION NO. 1081 OF 2022

Chief Engineer Development Planning ... Appellant  
Brihanmumbai Municipal Corporation

**Versus**

Surya Kirti Enterprises Through Shri. ... Respondents  
Mahesh Kantilal Mehta and another

\*\*\*\*\*

None for Appellant.

Adv. K. Hakani, Mr. Rahul Hakani, Ms. Niyati Mankad, for Respondent No.1.

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**CORAM : MANISH PITALE &  
SHREERAM V. SHIRSAT, JJ.**

**DATE : 08<sup>th</sup> SEPTEMBER 2026.**

**PC:**

**1.** This is an application moved on behalf of the Respondent seeking early hearing of the appeal on a fixed date. It is submitted that the issue raised in this appeal, according to the Respondent, is covered by the judgment and order dated 14/03/2024 passed by a Division Bench of this Court in *Writ Petition No. 1928 of 2018 [Municipal Corporation of Greater Mumbai vs. M/s B.J. Development Corporation Pvt. Ltd and Ors]*.

**2.** Today, there is no appearance on behalf of the appellant Corporation.

**3.** We are of the opinion that the appeal can be fixed for hearing so that

the aforesaid issue and any other issue that may arise for consideration can be considered and the appeal can be disposed of on merits.

4. In view of the above, the application is disposed of by directing that First Appeal No. 92 of 2021 shall be listed for hearing on 2<sup>nd</sup> November 2026, at 3:00 pm.

5. The learned counsel for the parties shall keep brief written submissions ready for consideration of this Court on the said date. It is brought to our notice that the record and proceedings and paper book are available for final hearing.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**