

Upload demolition orders on website, HC tells BMC

Swati.Deshpande
@timesgroup.com

Mumbai: In a significant ruling, Bombay high court directed BMC to immediately upload all demolition orders on its website from the date they are passed and keep updating the status till they are implemented "in order to ensure complete transparency".

In a recent order, a bench of Justices S J Kathawalla and Riyaz Chagla also accepted a suggestion by deputy municipal commissioner Vijay Balamwar to improve the 'removal of encroachment complaint tracking and management system software' so that photographs could be uploaded even if the demolition failed to take place on a scheduled date. The high court directed the BMC to take more measures, if needed, to bring in greater accountability.

Balamwar had recently apologised before the bench for an erroneous submission in his affidavit about a demolition in Worli. He said it was based on inputs from his officers. Senior counsel Anil Sakhare for the BMC said the civic body was putting its house in order and, as suggested by the judges, a notice had been is-

sued by the civic law officer to ensure affidavits made before the HC bench were accurate. Each assistant law officer assigned to Justice Kathawalla's bench would be allotted individual briefs (matters) and would be responsible for drafting replies as well as comply-

TIMES VIEW: The BMC has failed to crack down on illegal constructions for various reasons and part of the blame lies on officials who often go slow in implementation of their own orders of demolition. Parties rush to local courts and get interim stay orders. Many times, BMC doesn't push to vacate for years. Lack of proper records also plagues the civic department. The high court has done well to order the civic administration to upload and track all demolition orders and set its house in order

ing with and communicating court orders.

The BMC said it would view "any lapse" seriously. The HC asked the civic body to follow the same practice "before all courts".

Advocate Mohit Jadhav for the petitioner had questioned

BMC's two-year delay in implementing a demolition order against a Worli structure. The HC had sought a reply from Balamwar and then questioned him when he said it was delayed due to "a law and order situation". The HC observed his statement was "incorrect" after seeing photos of the demolition day and noting that things appeared "peaceful".

Balamwar later apologised before the HC. The civic counsel said the affidavit was drafted by an in-house advocate stationed at the BMC office. The court said asking a lawyer who doesn't attend court to file an affidavit is "the most ridiculous method" and should be discontinued immediately. The HC accepted Balamwar's apology. Noting his mistakes were "unintentional", the court decided not to pass any "adverse order" that would blot his unblemished track record of 20 years.

On being informed there was no practice of preparing minutes of monthly ward-level meetings, the HC told Sakhare such state of affairs could not continue any longer in the BMC. Sakhare said he would meet civic chief IS Chahal "to ensure effective steps to reflect complete transparency".

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

WRIT PETITION (L) NO. 999 OF 2020

Abdulla Nurulla Merchant ... Petitioner

Versus

MCGM and Ors. ... Respondents

Mr.Mohit Jadhav a/w. Mr. Rajendra Rane, Ms. Megha Shigavan, Ms. Kajal Chourasia for the Petitioner.

Mr.A.Y.Sakhare, Sr. Adv. a/w. Mr. Joel Carlos, Ms. Oorja Dhond, Ms. Shobha Ajitkumar, Ms. S.M.Modle i/b.Ms.A.K. Savla for MCGM.

Col. Abhijit Kadam (Retd.) a/w. Mr. A.G.Manurkar, Mr. Akash Vikram Singh i/b. RJ Law for Respondent No. 4.

Mr.Vijay Balamwar, Deputy Municipal Commissioner, Zone-II, present.

CORAM : S.J. KATHAWALLA, &

R.I. CHAGLA, JJ.

DATE : 15TH DECEMBER, 2020

P.C. :

1. By the above Writ Petition, the Petitioner – Abdulla Narulla Merchant has interalia sought a direction against the Municipal Corporation of Greater Mumbai ('MCGM') to demolish and remove the following unauthorized structures put up by Respondent No. 4 – Shri Ramesh Maganlal Merchant :

i. Structure on the ground floor admeasuring about 1057 sq. ft. constructed of B.M. Walls with ladi-coba slab at ground floor and A.C. Sheets roof above 1st Floor

having total height 18 ft. and

ii. an independent structure admeasuring about 100 sq.ft. constructed of B.M. Walls on three sides and at rear side compound wall ;

both situated near Bengal Chemicals, beside Udyog Bhavan Compound, 101 Old Prabhadevi Road, Mumbai – 400 025 within the time prescribed by the Court.

2. After hearing the Learned Advocates appearing for the parties, it appears that the Designated Officer / Assistant Engineer (B & F) Ward G/South had on 25th June, 2018 issued a Notice to Respondent No.4 under Section 351 of the Mumbai Municipal Corporation Act, 1888 (**‘the Act’**) with regard to the unauthorized structures described in the said Notice. In response to the said Notice, Respondent No. 4 had submitted his Reply dated 4th July, 2018 along with certain documents. Thereafter, MCGM passed its Speaking Order dated 6th October, 2018 directing the Respondent No. 4 to remove the subject structures. Upon receipt of the Order dated 6th October, 2018, Respondent No. 4 through his Advocate’s Letter dated 16th October, 2018 made further submissions and produced certain additional documents. After verifying the same, a fresh Speaking Order dated 5th **February, 2019** was passed, calling upon the Respondent No. 4 to remove the subject structure of about 14.00 ft., as more particularly described in the said Order, within seven days from the date of receipt of the said Speaking Order. Respondent No. 4 was also informed that if he fails to remove the unauthorized structure as directed, the MCGM shall demolish the same

at his risk and costs, and the cost of demolition will be recovered from Respondent No. 4 as arrears of property tax. The said Speaking Order dated 5th February, 2019 was received by Respondent No. 4 on 12th February, 2019. However admittedly, neither the Respondent nor the MCGM demolished the subject structure in the last almost two years, compelling the Petitioner / Complainant to knock the doors of this Court seeking appropriate directions against the MCGM and its officers

3. In view of the above, this Court by its Order dated 1st December, 2020, inter alia recorded that, “*It is therefore, clear beyond any doubt that the officials of MCGM for reasons best known to them are extremely selective about executing their own orders of demolition i.e. in some cases the officials of MCGM are ready to demolish the notice structure/s even before service of its demolition order on the noticee and in some matters, like in the present case, the demolition is not carried out even after more than 20 months from the date of the order of demolition.*”, and called upon the Deputy Municipal Commissioner (‘DMC’) of the concerned Ward to file his Affidavit on 3rd December, 2020, explaining the above conduct of the MCGM in the present case.

4. On 3rd December, 2020, Shri Vijay Madhukar Balamwar, DMC, Zone-II, filed his Affidavit, wherein he admitted that an Order dated 5th February, 2019 was passed by MCGM directing the Respondent No. 4 to remove the subject structure. After going through his Affidavit, this Court realized that the statements made by Shri Balamwar in his Affidavit were incorrect and called upon him to explain on Affidavit as to why action should not be taken against him for consciously making incorrect

statements in his Affidavit dated 2nd December, 2020 filed by him pursuant to the direction of this Court. He was also asked to appear before this Court on 8th December, 2020 at 11.00 a.m. along with his Affidavit setting out his explanation. The reasons why this Court was of the prima facie view that Shri Balamwar has consciously made incorrect statements in his Affidavit dated 3rd December, 2020, are set out in detail in paragraphs 2 to 6 of our Order dated 3rd December, 2020.

5. On 8th December, 2020, the Learned Senior Advocate Shri A.Y. Sakhare appearing for MCGM and also for Shri Balamwar sought time upto 15th December, 2020, to submit the explanation of Shri Balamwar by filing an Additional Affidavit.

6. Today, Shri Balamwar is present before us. His Additional Affidavit dated 15th December, 2020 is also tendered in Court. He has at the outset tendered an apology for the incorrect statements made in his Affidavit dated 2nd December, 2020, which according to him were unintentional. The explanations given by Shri Balamwar in his Additional Affidavit are briefly set out hereunder :

i. That there are four Wards under him and he always tries his best to cope-up with the work load and ensure that justice is done to every possible matter before him.

ii. That he has taken charge of DMC, Zone - II on 20th October, 2020 and since then he has had to deal with substantial pending work from March, 2020 as his predecessor as well as he had to deal with issues relating to the pandemic, due to which the regular work was delayed.

- iii. That he is working with the MCGM since the last 20 years, has an unblemished record and has always taken decisions without any fear or favour.
 - iv. That the statement made in his Affidavit dated 3rd December, 2020 with regard to the law and order problem / situation, are indeed incorrect but the same were not intentionally made and there was no motive or malice involved in making of the said statements.
 - v. That the said incorrect statements were made purely on the instructions of the junior officers whose statements he believed to be true.
 - vi. That the Affidavit dated 3rd December, 2020, was drafted by an in-house Advocate of MCGM on the basis of the discussion she had with the Ward staff.
 - vii. That since the Affidavit had to be filed on 2nd December, 2020 itself, he did not have sufficient time on his hands to analyse each and every word set out in the draft reply. He signed the Affidavit on the basis of trust, believing the contents to be true and did not make any further enquiry qua the same.
 - viii. However, he did go through the facts of the case and since he found that there was a lapse on the part of his subordinates in taking action of demolition as per law, he has issued notices to them.
 - ix. That the mistake committed by him be therefore condoned.
7. We do not have any doubt that the senior officers of the MCGM have enough work on their hands and are hard pressed for time, but this situation is faced by every responsible officer in every organization, private or government. Also a senior

officer in an organization knows and ought to know that an Affidavit is a statement of facts made on oath and if any relevant fact is incorrectly stated therein, the same may mislead the Court and may invite serious consequences. The fact that the Court directs a Senior Officer of an organization to file his / her Affidavit explaining the lapses on the part of his / her organization, is itself an indication as to the seriousness of the matter. The same cannot be treated lightly and the statements made on oath cannot be signed by the Deponent without ascertaining the correct facts, howsoever busy the Deponent may be.

8. We have conveyed our above view to the Senior Advocate Shri Sakhare and also to Shri Balamwar. Initially, we were inclined to hold that the incorrect facts / explanation given in the Affidavit of Shri Balamwar amounts to misleading the Court, thereby obstructing the administration of justice and to direct Shri Balamwar to pay a fine. However, since Shri Balamwar has at the first instance, admitted that he had made mistakes, apologized for the same, which we accept were unintentional, and has had an unblemished career of 20 years with the MCGM, we accept his apology and have decided not to pass any adverse order against Shri Balamwar.

9. Having said that, we have turned to Senior Advocate Shri Sakhare and enquired from him as to who had drafted the Affidavit dated 2nd December, 2020, repeatedly making incorrect statements therein that the demolition could not take place / completed because of the law and order situation, which now according to MCGM itself was not the case. Shri Sakhare informed us that the Affidavit was

prepared by an in-house Advocate, who is not attending to any Court matters / proceedings, but is stationed at the MCGM's Office and only drafts the required pleadings as well as Affidavits on the basis of the instructions given to her by the concerned officials. We informed Shri Sakhare that asking an in-house Advocate of the MCGM, who is admittedly not attending to a matter, to just put on paper whatever he / she is told by some officer/s and that to without verifying correctness of those instructions, and thereafter obtaining the signature of the Deponent (in the instant case the DMC, Zone-II), is the most ridiculous method / practice followed by the MCGM and the same should be immediately discontinued. This Court therefore suggested to Shri Sakhare that as a Senior Advocate representing MCGM in all important matters, he should convey to all concerned in the MCGM that the pleadings / Affidavits should be drafted only by the Advocates, who are attending to a particular matter in Court. Shri Sakhare informed us that the suggestion of the Court shall be immediately conveyed to the Municipal Commissioner as well as the Legal Head of the MCGM and the same shall be forthwith put into effect.

10. The next question that was put to Shri Sakhare by the Court was, how an Executive Engineer / Designated Officer after passing an Order of demolition giving seven days time to the Noticee to demolish an unauthorized construction and further warning the Noticee that if the same is not demolished within seven days from the date of receipt of the notice, the same shall be demolished at his risk, sleep over the notice for months together, thereby delaying the process of demolition in some cases.

Further this Court also inquired as to why the particulars of the orders of demolition and the consequent steps taken pursuant thereto are not reflected on the Website of MCGM and in the Demolition Registers maintained by the MCGM. To this, Shri Sakhare stated that there are monthly meetings held in all the wards, which are presided by the Assistant Municipal Commissioner, incharge of the Ward, and who at the meeting is appraised of all the happenings in the Ward by the officials of the Ward, including the Executive Engineer / Designated Officer of that Ward. On a query raised by the Court as to in the monthly meetings held in the last almost 20 months, what information was given to the concerned Assistant Municipal Commissioner qua the demolition of the subject structure/s, none of the officers present before us could provide an answer to the same. When we asked for the relevant minutes of the monthly meeting, we were **not** shocked to get the **expected** answer that there is no practice of preparing any minutes of the monthly meetings and the same is therefore not available. We informed Shri Sakhare that this answer was expected, because if minutes are prepared the record of the proceedings will be available and it would be easier to fix the blame on the officer responsible for the inaction. However, if minutes of the proceedings are not recorded, no officer can be later blamed for his inaction and the officer incharge at the relevant time can give any answer that he chooses to get out of the difficult situation of explaining the inaction on his part, and it would be very simple for all the officers to indulge in a blame game. We therefore informed Shri Sakhare that by no stretch of imagination such a state of affairs can continue or

allowed to be continued in the Office of MCGM, and enquired how the MCGM intends to put its house in order without the Court passing any harsh orders. Shri Sakhare assured us that he will immediately have a meeting with the Municipal Commissioner and ensure that effective steps are taken, which would reflect complete transparency, i.e. uploading of the record qua the demolition of the structure/s right from the passing of an order of demolition, until the date of demolition, on the Website of the MCGM.

12. The matter was thereafter adjourned to 22nd December, 2020 to enable Shri Sakhare to inform us how the MCGM desires to put their house in order, atleast with regard to drafting of Affidavits by the very same Advocates who attend to the matters in Court and maintaining transparency qua the records pertaining to demolition of structures.

13. Before this Order could be dictated and signed, Shri Sakhare has on 16th December, 2020 at 03.00 p.m. mentioned the matter and has tendered in Court the suggestions made by Shri Balamwar, DMC, which according to him, are required to be incorporated in the RETMS (Removal of Encroachment Complaint Tracking and Data Management System) Software used by the Building and Factory Department.

The suggestions are as under :

“i. The system shall provide for uploading the documents / photos even though for some reason the demolition could not be taken up on that particular day.

ii. Similar provisions need to be incorporated in the RETMS as

that of earlier system such as maintaining and endorsing of various registers like Detection Register, Demolition Register, Notice Register, Court Injunction Register, Demolitions of Ripe Cases Register. Assistant Commissioner shall be given responsibility of periodic review and responsibility of endorsement in RETMS system which will cover all above progressive records.

iii. Responsibility will be fixed on Designated Officer, if he / she fails to demolish unauthorized structure after following due process of law. There shall be some time period in which Designated Officer shall act and demolish the structure. If it doesn't happens so, Designated Officer shall raise the issue with Assistant Commissioner level mentioning reasons thereat.

iv. For effective monitoring of RETMS, MIS with modern technique / tools like pop-up window etc. need to be incorporated at various levels.”

With regard to the above suggestions made by Shri Balamwar, DMC, we are of the view that in addition to the suggestions made hereinabove, in order to ensure complete transparency, the MCGM should upload all demolition orders from the date of the same being passed, and should from time to time update the status, until the demolition is completed.

MCGM shall forthwith implement the above suggestions and shall be free to introduce further steps, if found necessary, to achieve greater transparency. MCGM shall after a period of four weeks appraise this Court about the progress made in this

regard.

14. Shri Sakhare has also tendered the Draft Notice prepared by the Law Officer, which reads thus :

“All the Assistant Law Officers who are assigned the Court of Hon’ble Division Bench comprising of Their Lordships Mr. Justice S.J. Kathawalla and Mr. Justice R.I. Chagla shall be allotted individual briefs by the Dy. Law Officers. The concerned Assistant Law Officers shall be seized of the said allotted matters and shall be responsible for drafting replies, completing pleading, sending intimations, preparing sanction notes, complying with the Court orders communicating / co-ordinating with the concerned officers / department. The Assistant Law Officers shall attend and appear in the matters allotted to them with all promptness. The Assistant Law Officers are also directed to submit compliance report in the matters allotted to them, in the Review Meetings held by the Dy. Law Officers. The Assistant Law Officers are directed to take note of the above. Any lapse / negligence to adhere with the above order shall be viewed seriously.”

15. As far as the above Draft Notice / Letter proposed to be issued by the Law Officer is concerned, we are of the view that the same should not be confined only to our Court / assignment, but should be made applicable to all matters of the MCGM before all courts.

16. S.O. to 22nd December, 2020, when the Order passed by the City Civil Court in the Notice of Motion taken out by the Respondent No. 4 in the Suit filed by

him taking exception to the Notice of Demolition issued by MCGM, shall be produced before this Court.

(R.I. CHAGLA, J.)

(S.J. KATHAWALLA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 999 OF 2020

Abdulla Nurulla Merchant ... Petitioner

Versus

The MCGM and Ors. ... Respondents

Mr.Mohit Jadhav for the Petitioner.

Mr.A.K.Khare a/w. Ms.Vandana Mahadik, Ms. Pooja Yadav i/b. Ms. Aruna Savla for MCGM.

Col. Abhijit Kadam (Retired) a/w. Mr. Archit Manarkar i/b. R.S. Law for Respondent No. 4.

Mr.Satish Pawar, Assistant Engineer (BF), G/South Ward, present.

CORAM : S.J. KATHAWALLA, &
R.I. CHAGLA, JJ.

DATE : 3RD DECEMBER, 2020

P.C. :

1. On 1st December, 2020, this Court passed the following Order :

“1. On 25th June, 2018, the Municipal Corporation of Greater Mumbai (MCGM) had issued notice to Respondent No.4 under Section 351 of the Mumbai Municipal Corporation Act, 1888. Thereafter, an order of demolition of the unauthorized structure was passed by MCGM on 5th February, 2019. MCGM has in the last almost two years not bothered to demolish the unauthorized structure, thereby compelling the Petitioner to file the above Writ Petition seeking directions against the MCGM to

act on its order of demolition. It is also the case of the Petitioner that the order of demolition does not pertain to the entire unauthorized structure.

2. It is therefore, clear beyond any doubt that the officials of MCGM for reasons best known to them are extremely selective about executing their own orders of demolition i.e. in some cases the officials of MCGM are ready to demolish the notice structure/s even before service of its demolition order on the noticee and in some matters, like in the present case, the demolition is not carried out even after more than 20 months from the date of the order of demolition.

3. In view thereof, the Deputy Municipal Commissioner of the concerned Ward shall file his Affidavit on 3rd December, 2020 explaining the above conduct of the MCGM in the present case.

4. A copy of this order shall be forwarded to the Municipal Commissioner of the MCGM by the Head of the Legal Department of MCGM.

5. Stand over to 3rd December, 2020.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.”

2. Today, Mr.Vijay Madhukar Balamwar, Deputy Municipal Commissioner (Zone-II) of the MCGM has filed his Affidavit, wherein he has admitted that an Order dated 5th February, 2019 was passed by the MCGM directing the Respondent No. 4 to remove the notice structure which is beyond 14 ft. within seven days from the receipt

of the Speaking Order of demolition dated 5th February, 2019. He has thereafter proceeded to state in his Affidavit that a requisition was sent to the concerned police officer on 16th August, 2019 and the demolition was fixed for 26th August, 2019. The Deputy Municipal Commissioner has failed to explain as to why MCGM had waited upto August 2019, and not taken any steps to carry out demolition of the notice structure after the notice period of seven days had admittedly lapsed in the second week of February 2019.

3. Despite the delay of almost six months, the demolition of the notice structure was not carried out on the date fixed i.e. 26th/28th August, 2019. The Deputy Municipal Commissioner has stated in his Affidavit that the “..... *demolition could not be carried due to resistance and Law and Order situation*”. When this Court asked the learned Advocate appearing for MCGM to explain as to what was the law and order situation, he took instructions from the officer present in Court and stated that the law and order situation had arisen as there was a bedridden widow alongwith her young daughter who were occupying the notice structure. However, the Advocate for Respondent No. 4 informs the Court that the notice structure is occupied by his client who is a senior citizen and there was no law and order situation that had arisen. This is therefore the first incorrect statement made on oath by the Deputy Municipal Commissioner.

4. In his Affidavit, the Deputy Municipal Commissioner has further stated that the demolition of the notice structure was rescheduled alongwith two other

structures of some other noticees sometime between 9th December, 2019 and 11th December, 2019 as per the availability of the police officials. The demolition process of the notice structure started on 10th December, 2019 and the roof of the notice structure was demolished/removed. However, further demolition as per Speaking Order could not be carried out because of the law and order situation. Here the Deputy Municipal Commissioner has annexed photocopies of certain photographs of the partial demolition. From the said photographs, it is evident that the situation appears to be peaceful and there is no apparent law and order situation as alleged by the Deputy Municipal Commissioner in his Affidavit. In any event there is nothing produced on record to show that the demolition of the notice structure could not be completed on 10th December, 2019 because of the alleged law and order situation. This is the second incorrect statement made on oath by the Deputy Municipal Commissioner of the MCGM.

5. The Deputy Municipal Commissioner of the MCGM has further stated in his Affidavit that the demolition of the notice structure and some other structures was once again arranged between 7th January, 2020 to 9th January, 2020. However, the demolition was not carried out qua the notice structure. The Deputy Municipal Commissioner has not explained as to why a structure which is partially demolished is not taken up for demolition immediately.

6. It is therefore clear that Mr. Vijay Madhukar Balamwar, Deputy Municipal Commissioner, Zone-II of the MCGM has made incorrect statements on

Affidavit. He is therefore directed to explain on Affidavit as to why action should not be taken against him for consciously making incorrect statements in his Affidavit dated 2nd December, 2020 filed by him, pursuant to the directions of this Court. He shall also remain present before this Court on 8th December, 2020 at 11.00 a.m. alongwith his Affidavit setting out his explanation.

7. The learned Advocate appearing for the Petitioner states that liberty be granted to the Petitioner to appear before the City Civil Court, Mumbai in the Suit filed by Respondent No.4 being SC No. 1101 of 2020. The City Civil Court shall hear the Petitioner before passing orders in the Notice of Motion taken out by Respondent No. 4 herein. The learned Advocate appearing for Respondent No. 4 has agreed to provide a copy of the proceedings filed by him before the City Civil Court to the Advocate for the Petitioner to enable him to make his submissions before the City Civil Court, Mumbai.

8. Stand over to 8th December, 2020.

9. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(R.I. CHAGLA, J.)

(S.J. KATHAWALLA, J.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.999 OF 2020**

Abdulla Nurulla Merchant ... Petitioner
versus
The Municipal Corporation of Gr. Mumbai and Ors. ... Respondents

Mr. Mohit Jadhav, for Petitioner.

Mrs. Oorja Dhond i/by Mrs. Aruna Savla, for MCGM.

Col. Abhijit Kadam (Retd.) with Mr. Archit G. Manurkar i/by R.J.Law, for Respondent No.4.

**CORAM: S.J. KATHAWALLA &
R.I.CHAGLA, JJ.**

DATE: 1st DECEMBER, 2020

P.C.:

1. On 25th June, 2018, the Municipal Corporation of Greater Mumbai (MCGM) had issued notice to Respondent No.4 under Section 351 of the Mumbai Municipal Corporation Act, 1888. Thereafter, an order of demolition of the unauthorized structure was passed by MCGM on 5th February, 2019. MCGM has in the last almost two years not bothered to demolish the unauthorized structure, thereby compelling the Petitioner to file the above Writ Petition seeking directions against the MCGM to act on its order of demolition. It is also the case of the Petitioner that the order of demolition does not pertain to the entire unauthorized structure.

2. It is therefore, clear beyond any doubt that the officials of MCGM for reasons best known to them are extremely selective about executing their own orders

of demolition i.e. in some cases the officials of MCGM are ready to demolish the notice structure/s even before service of its demolition order on the noticee and in some matters, like in the present case, the demolition is not carried out even after more than 20 months from the date of the order of demolition.

3. In view thereof, the Deputy Municipal Commissioner of the concerned Ward shall file his Affidavit on 3rd December, 2020 explaining the above conduct of the MCGM in the present case.

4. A copy of this order shall be forwarded to the Municipal Commissioner of the MCGM by the Head of the Legal Department of MCGM.

5. Stand over to 3rd December, 2020.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(R.I.CHAGLA, J.)

(S.J.KATHAWALLA, J.)