

# Municipal Corporation Of Greater ... vs Uday N. Murudkar on 15 October, 2020

**Bench: Sanjay Kishan Kaul, Dinesh Maheshwari**

1

ITEM NO.2

Court 9 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 9228/2020

(Arising out of impugned final judgment and orders dated 23-07-2018 in WP No. 1892/2018 and dated 24-04-2019 in RP No. 62/2018 passed by the High Court of Judicature at Bombay)

MUNICIPAL CORPORATION OF GREATER MUMBAI & ORS.

Petitioner(s)

VERSUS

UDAY N. MURUDKAR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.62714/2020-CONDONATION OF DELAY IN FILING and IA No.62715/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.62718/2020-EXEMPTION FROM FILING O.T.)

Date : 15-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Dhruv Mehta, Sr. Adv.  
Mr. Ashish Wad, Adv.  
Ms. Aruna Savla, Adv.  
Mrs. Tamali Wad, Adv.  
Mr. Ajeyo Sharma, Adv.  
Mr. Sidharth Mahajan, Adv.  
For M/S. J S Wad And Co, AOR

For Respondent(s)

Ms. Gwen Karthika, Adv.  
Mr. Satyajeet Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

There are two hurdles in the way of the petitioner(s). The first is the delay of 227 days from the date of the review order (502 days, if one counts from the Reason: original order). This delay is sought to be only explained by stating that it is unintentional and on account of the administrative procedure. This Court is not here to protect the administrative inefficiencies and incompetence in being able avail of legal remedies by the State Governments more so in the context of the judgment in *Post Master General & Ors. v. Living Media India Ltd. & Anr.* (2012) 3 SCC 563. There is no reason whatsoever to condone the delay.

Even on merits we find that the stand sought to be taken as recorded in the impugned order was that the statement made by the officer of the petitioner was without any power or authority and does not bind the petitioner. On our query as to what action was taken against the officer, learned senior counsel for the petitioner fairly states that there are no instructions in this behalf.

The endeavour is thus, to wriggle out of a stand taken by the competent officer before the High Court and the object is once again the same as we have noticed in the earlier matter today being *State of Madhya Pradesh & Ors. v. Bherulal* [SLP [C] Diary No.9217/2020] i.e. to obtain a certificate of dismissal from the Supreme Court so that the matter is put to a quietus. We find that no action ever is taken against the concerned officer and yet the Government seeks to back out from the commitment made by the officer concerned. We have already categorized such cases as “certificate cases” brought to this Court to obtain a certificate of dismissal.

We are thus, of the view that the petitioners must be made to pay for the judicial time they have consumed but seeing our approach in the earlier matter, learned senior counsel himself was circumspect from beginning and thus, we consider it appropriate to only impose Rs.10,000/- (Rupees Ten Thousand) as costs on the State Government for having approached this Court. The cost be recovered from the officer who took such a decision to come to this Court without taking any action against the officers and that too belatedly or responsible for the delay.

The costs be deposited with the Mediation and Conciliation Project Committee within a period of four weeks and a certificate of recovery be filed in this Court within the same period of time.

We make it clear that non-compliance of the aforesaid order will be under the pain of contempt for the Commissioner/petitioner No.2.

Copy of the order be placed before the Commissioner, Municipal Corporation of Greater Mumbai.

The Special Leave Petition(s) is/are dismissed on the ground of delay.

Pending application(s) stand(s) disposed of.

(ASHA SUNDRIYAL)  
AR-CUM-PS

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR