

APH/AN/SG/L00162/

26 July 2011

To,

1. Municipal Commissioner
Municipal Corporation of BrihanMumbai,
Mahapalika Marg,
Fort, Mumbai
2. Municipal Corporation of Brihan Mumbai,
Mahapalika Marg, Fort, Mumbai.

Dear Sirs,

- Sub: 1. Circular being No. HO/037060/RI dated 30th November, 2009
Circular dated 8th October, 2010 being No. HO/46750/RI and Circular
dated 7th May, 2011 being No.CHT/2941/DP/GEN
2. Demand notices issued to the applicants as enlisted in Exhibit L
- Ref: 1. Order dated 14th June, 2011 passed in Writ Petition No. 793 of 2011 in
the matter of Bombay Nursing Home Association & Others V/s. Municipal
Corporation of Brihanmumbai.
2. Representation on behalf of Bombay Nursing Home Association & Others
dated 24 June 2011 Order dated 14th June, 2011 passed in Writ Petition
No. 793 of 2011 in the matter of Bombay Nursing home Association &
Others V/s. Municipal Corporation of Brihan Mumbai
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We are concerned for our clients, Bombay Nursing Homes Associations and its members, i.e. the Applicants in the representation dated 24 June 2011.

We refer to the hearing held in the captioned matter on 25 July 2011. We enclose herewith Written Submissions on behalf of the Applicants. You are kindly requested to take the same on record.

Yours truly,
For M/s. Hariani & Co.

Sd/-
Partner

Encl : As above

Cc: Bombay Nursing Homes Association,

Kind Attn: Dr. Manoj Gandhi

Manoj Gandhi

1789.

APH/AN/SG/L00162

6 July 2011

To,

1. The Municipal Corporation of Brihan Mumbai
2. The Municipal Commissioner
3. The Executive Health Officer, Public Health Department
(Through Smt. V. K. Khatu,) Advocate and Law Officer,
Legal Department
Municipal Corporation of Greater Mumbai,
Hall No. 200, 2nd Floor, Annexe Building
Mahanagarpalika Marg,
Mumbai – 400 001

Dear Sirs,

Re : High Court, O.O.C.J.
Writ Petition No. 793 of 2011
Bombay Nursing Home Association & Ors. ... Petitioners
Versus
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

We are concerned for our clients, i.e. the Petitioners in the captioned matter.

We are writing this in pursuance to our letter dated 24 June 2011. As you are aware, the Hon'ble High Court in the captioned Petition passed an order on 14 June 2011, directing therein that Applications for renewal of the registration of the petitioners' maternity and nursing homes shall be considered by the Corporation in accordance with law and if the petitioners are otherwise entitled for renewal, the registration shall be renewed independently of the Demand Notices/Circulars which are referred to in prayer clause (a) of the petition, i.e. the circulars dated 8 September 2009 and 8 October 2010 and the Circular dated 07.05.2011 issued by the Corporation.

Despite the order passed by the Hon'ble High Court, the concerned Health Officers are still not renewing the certificate of registration of our clients on the ground that they have no instruction from your office. We had thereafter issued a letter on 24 June 2011 to you thereby annexing the order of the Hon'ble High Court passed on 14 June 2011 for your doing the needful.

However, in spite of the letter dated 24 June 2011, it is shocking and surprising that the concerned AHO's are still not considering the renewal application of our clients on the ground that they have no instruction from your office. Our clients state that refusal to renew the certificate of registration despite an order being passed to that effect amounts to contempt of court and you are negligently and willfully disobeying the order of the Hon'ble High Court for reasons best known to you.

In view thereof, we have to request you to immediately instruct your concerned authorities and AHO's to take the application of our clients for renewal of registration of their nursing homes/maternity homes on record and consider the same with an immediate effect, failing which our clients shall be constrained to initiate appropriate proceedings including proceedings for contempt of court, solely at your costs and consequences.

Yours truly,
For M/s. Hariani & Co.

SS. Hariani

H

Partner

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Cc: Bombay Nursing Homes Association

Kind Attn: Dr. Manoj Gandhi

APH/AN/SG/L00162

24 June 2011

To,

1. The Municipal Corporation of Brihan Mumbai
2. The Municipal Commissioner
3. The Executive Health Officer, Public Health Department
(Through Smt. V. K. Khatu,
Advocate and Law Officer,
Legal Department
Municipal Corporation of Greater Mumbai,
Hall No. 200, 2nd Floor, Annexe Building
Mahanagarpalika Marg,
Mumbai - 400 001

Dear Madam,

Re : High Court, O.O.C.J.
Writ Petition No. 793 of 2011
Bombay Nursing Home Association & Ors. ... Petitioners
Versus
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

We are concerned for our clients, i.e. the Petitioners in the captioned matter.

As you are aware, the Hon'ble High Court in the captioned Petition passed an order on 14 June 2011, directing therein that Applications for renewal of the registration of the petitioners' maternity and nursing homes shall be considered by the Corporation in accordance with law and if the petitioners are otherwise entitled for renewal, the registration shall be renewed independently of the Demand Notices/Circulars which are referred to in prayer clause (a) of the petition, i.e. the circulars dated 8 September 2009 and 8 October 2010 and the Circular dated 07.05.2011 issued by the Corporation.

However, in spite of the passing of the above order, the concerned AHO's are not considering the renewal application of our clients on the ground that they are not aware of any such order passed by the Hon'ble High Court.

In view thereof, we have to request you to immediately instruct your concerned authorities and AHO's to take the application of our clients for renewal of registration of their nursing homes/maternity homes on record and consider the same with an immediate effect, failing which our clients shall be constrained to initiate appropriate proceedings solely at your costs. We are enclosing a true copy of the order passed by the Hon'ble High Court for your reference and convenience.

Yours truly,
For M/s. Hariani & Co.

SS. J. W. S.

hr Partner

Encl: a/a

Cc: Bombay Nursing Homes Association,

Kind Attn: Dr. Manoj Gandhi

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APH/AN/SG L00162

24 June 2011

To,

1. Municipal Commissioner
Municipal Corporation of BrihanMumbai,
Mahapalika Marg,
Fort, Mumbai
2. Municipal Corporation of BrihanMumbai,
Mahapalika Marg, Fort, Mumbai.

Dear Sirs,

- Sub: 1. Circular being No. HO/037060/RI dated 30th November, 2009
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dated 7th May, 2011 being No.CHT/2941/DP/GEN
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the matter of Bombay Nursing home Association & Others V/s. Municipal
Corporation of Brihan Mumbai

We are concerned for our clients, Bombay Nursing Homes Associations and its members
Please find enclosed herewith the Representation dated 24 June 2011 in terms of the order
dated 14 June 2011 passed by the Hon'ble High Court of Bombay in Writ Petition No. 793 of
2011.

You are kindly requested to fix a date of hearing on the representation made on behalf of our
clients.

Yours truly,
For M/s. Hariani & Co.

Partner

Encl : As above

Cc: Bombay Nursing Homes Association,

Kind Attn: Dr. Manoj Gandhi *de*