

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2585 OF 2015

CRESCENT ENTERTAINMENT AND TOURISM PETITIONER
LTD., MUMBAI

VERSUS

MUNICIPAL CORPORATION OF CITY, RESPONDENT
JALGAON

Mr.M.S.Deshmukh, Advocate for the petitioner.
Mr.V.D.Gunale, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 12/03/2015

PER COURT :

1. This matter was heard on 10/03/2015 and was also heard today.

2. After considering the submissions of the learned Advocates for the petitioner and the Municipal Corporation, the entire controversy has narrowed down to a very short point.

3. The petitioner has questioned the show cause notice dated 04/01/2012 and 12/01/2012 in RCS No.17/2012. The impugned order in this petition has been passed in the said proceeding by the Trial Court.

4. Learned Advocate for the petitioner submits that his serious apprehension is that the respondent/Corporation will neither afford an opportunity of personal hearing to it, nor would it give the petitioner a reasonable opportunity of showing cause.

5. Mr.Gunale, learned Counsel for the respondent Corporation submits that the notices dated 04/01/2012 and 12/01/2012 have been issued only to enable the petitioner to detail out reasons in response to the contentions of the Corporation in the notice and furnish all relevant documents.

6. Mr.Deshmukh, therefore, submits that if the respondent/Corporation is willing to hear the petitioner and pass a reasoned order on the notices dated 04/01/2012 and 12/01/2012, the petitioner would be willing to withdraw RCS No.17/2012.

7. In the light of the above, I find that the controversy can be resolved by permitting the petitioner to withdraw RCS No.17/2012 and put forth a detailed reply to the notices dated 04/01/2012 and 12/01/2012 with all relevant documents, so as to enable the respondent to consider the said documents and the reply, give a

reasonable hearing to the petitioner and thereafter pass an order in accordance with Law.

8. Learned Advocates for the petitioner and respondent Corporation are agreeable.

9. In the light of the above, this petition is disposed of by observing as follows :-

- (a) The petitioner shall withdraw RCS No.17/2012 within a period of 2 (two) weeks from today.
- (b) The petitioner shall submit a detailed reply cum representation to the notices dated 04/01/2012 and 12/01/2012 within a period of 6 (six) weeks from today with supporting documents. Proof of withdrawal of the suit will be annexed to the said reply and the representation.
- (c) The petitioner is at liberty to raise all the grounds in reply and representation including its contention that it has deposited municipal taxes or excess municipal taxes have been paid and is entitled for a refund or a set-off against further taxes.
- (d) The petitioner shall deposit/file documents as it may deem appropriate in support of its reply and representation.
- (e) Upon receipt of the reply, respondent Corporation shall cause a hearing on the notices in its office on 08/05/2015 at 11.00 a.m. which the petitioner shall attend without seeking an adjournment.
- (f) The further dates of hearing, if required, would be

communicated to the petitioner in the meeting itself and separate notices therefore shall not be necessary.

- (g) The hearing before the respondent authority will be concluded by 05/06/2015 and the said authority shall thereafter proceed to pass a reasoned order on or before 20/06/2015.
- (h) It is expected that the petitioner will furnish all details and documents to the respondent/Corporation as have been sought in the notices dated 04/01/2012 and 12/01/2012. Needless to state, explanation as well as representation of the petitioner shall be considered in accordance with Law.

(RAVINDRA V. GHUGE, J.)