

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.820 OF 2015
IN
FIRST APPEAL NO.1231 OF 2003
WITH
CIVIL APPLICATION NO.821 OF 2015
IN
FIRST APPEAL NO.1232 OF 2003
WITH
FIRST APPEAL NO.822 OF 2015
IN
FIRST APPEAL NO.1233 OF 2003
WITH
CIVIL APPLICATION NO.823 OF 2015
IN
FIRST APPEAL NO.1234 OF 2003
WITH
CIVIL APPLICATION NO.824 OF 2015
IN
FIRST APPEAL NO.1235 OF 2003
WITH
CIVIL APPLICATION NO.825 OF 2013
IN
FIRST APPEAL NO.1236 OF 2003
WITH
CIVIL APPLICATION NO.826 OF 2013
IN
FIRST APPEAL NO.1237 OF 2003
WITH
CIVIL APPLICATION NO.827 OF 2013
IN
FIRST APPEAL NO.1238 OF 2003
WITH
CIVIL APPLICATION NO.828 OF 2013
IN
FIRST APPEAL NO.1239 OF 2003
WITH
CIVIL APPLICATION NO.829 OF 2013
IN**

FIRST APPEAL NO.1240 OF 2003
WITH
CIVIL APPLICATION NO.830 OF 2013
IN
FIRST APPEAL NO.1241 OF 2003
WITH
CIVIL APPLICATION NO.831 OF 2013
IN
FIRST APPEAL NO.1242 OF 2003
WITH
CIVIL APPLICATION NO.832 OF 2013
IN
FIRST APPEAL NO.1243 OF 2003
WITH
CIVIL APPLICATION NO.833 OF 2013
IN
FIRST APPEAL NO.1244 OF 2003
WITH
CIVIL APPLICATION NO.834 OF 2013
IN
FIRST APPEAL NO.1245 OF 2003
WITH
CIVIL APPLICATION NO.835 OF 2013
IN
FIRST APPEAL NO.1246 OF 2003
WITH
CIVIL APPLICATION NO.836 OF 2013
IN
FIRST APPEAL NO.1247 OF 2003
WITH
CIVIL APPLICATION NO.837 OF 2013
IN
FIRST APPEAL NO.1248 OF 2003
WITH
CIVIL APPLICATION NO.838 OF 2013
IN
FIRST APPEAL NO.1249 OF 2003
WITH
CIVIL APPLICATION NO.839 OF 2013
IN
FIRST APPEAL NO.1250 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Ameya Tamhane i/b. Mrs.Seema Sarniak for applicants.

Mr.S.S.Pakale with Mrs.Surekha Sonawane, for Corporation – respondent Nos. 1 and 2 for the respondent

CORAM : K.K.TATED, J.

DATED : 20/3/2015

PC:

1] Heard the learned Counsel for the parties.

2] Learned Counsel for the respondent corporation filed an affidavit in reply in each civil application to oppose the same. The same are taken on record.

3] These applications are preferred by the original opponent for refund of excess amount paid by them towards the property tax, over and above which they are liable to pay on the basis of rateable value by adopting the rate of Rs.300 per sq.mtrs. Learned Counsel for the applicants submits that the appeal preferred by them before

the Small Causes Court was partly allowed by judgement dated 29th October 2002, directing the Respondent Corporation to calculate the rateable value at the rate of Rs.300/- per sq.mtrs. instead of Rs.600 /- per sq.mtr and issue a fresh bill to the applicant.

4] Thereafter, they preferred the present first appeal in this court, so also the civil applications for refund of excess amount. These applications were allowed by the court directing the Corporation to refund the excess amount. The order passed by this Court was challenged by the Corporation in the Apex Court. The Apex Court by order dated 2nd May 2005 held that if any excess payment of property tax is made by the applicant that to be adjusted and not be refunded.

5] Considering the submissions made by the learned Counsel for the applicants and the averments made in the civil applications so also the order passed by the Apex Court, I am of the opinion that the applicants are not entitled to any reliefs in the present civil application. Hence, the

civil applications stand rejected.

(K.K.TATED, J.)