

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2009 OF 2014

Jindal Laboratories Pvt. Ltd. ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

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Mr. Jitendra Jain with Mr. Jas Sanghavi i/b. M/s. PDS Legal & Associates, Advocate for the Petitioner.
Mr.C.G. Gavnekar, Advocate for Respondent Nos.3, 5 and 7.
Ms.Shamali Gadre i/b. M/s. Little & Co., Advocate for Respondent No.6.

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**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : OCTOBER 16, 2015.

P.C.

Heard. Perused the record.

2 The issue concerning payment of property tax by the petitioner for the year 1999 is still not decided. The counsel appearing for the petitioner submits that against the bill issued in respect of taxes to be paid for the year 1999, an Appeal has been preferred by the petitioner to the Panchayat Samiti, Nawde, Taluka Panvel, District - Raigad. The petitioner had received

notice of hearing from Panchayat Samiti. It is further submitted that to the surprise of the petitioner, the Standing Committee of Zilla Parishad, Raigad decided the issue and intimated the petitioner that the petitioner is liable to pay certain amount towards property tax for the said assessment year. The order of the Standing Committee is under challenge before this Court. The learned counsel for the petitioner submits that the first appellate forum i.e. Panchayat Samiti has not heard the petitioner so far.

3 The learned counsel appearing for the Zilla Parishad and Gram Panchayat submits that as the issue concerning payment of taxes for the year 1999 is pending, the petitioner has not paid property taxes for the successive years till date. The learned counsel for the petitioner submits that the Gram Panchayat did not initiate appropriate steps to recover the taxes.

4 We have perused the reply filed by Rajesh Khanavkar, Upsarpanch of the respondent no.5.

5 The concerned responsible officers of the department of the Raigad district Zilla Parishad ought to have looked into the matter and appropriate action should have been taken when

it was noticed that the issue concerning payment of taxes is pending for such a long time. Necessary explanation in this regard is required to be called from the concerned department

6 In the facts, we pass following order:

:: ORDER ::

(a) The effect and operation of the order passed by the Standing Committee of Zilla Parishad i.e. Resolution No.274 dated 20th June, 2013, shall not be operative;

(b) We direct the Panchayat Samiti Panvel to decide the Appeal filed by the petitioner, if pending, within three months, after giving notice and opportunity of hearing to the petitioner;

(c) We direct the Chief Officer, Zilla Parishad to look into the matter and call for explanation for inaction on the part of the Gram Panchayat in respect of recovery of taxes for successive years;

(d) The Gram Panchayat is at liberty to take appropriate steps in accordance with law for recovery of taxes;

(e) Registry to forward a copy of this order to the Principal Secretary, Rural Development Department, and the Chief Officer, Zilla Parishad;

(f) The Petition is disposed of with the aforesaid directions.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)