

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO. 332 OF 2015
IN
SUIT NO. 517 OF 1966

The Trustees of the Port of Bombay ... Plaintiff

Versus

Sayed Abdul Hamid Mohammed Shah

and Ors. ... Defendants

Ms. Radha Bhandari i/b. M.V. Kini and Company for the Plaintiff.

Mr. R.Y. Shirsikar for BMC.

Mr. S.S. Deshpande, Court Receiver, present.

CORAM : S.J. KATHAWALLA, J.
DATED : 16TH NOVEMBER, 2015

P.C.

1. According to the Court Receiver, in the meeting held with the parties on 13th November, 2014, it is recorded that arrears of property tax for the period 1st October, 2010 to 31st March, 2015 is Rs.12,43,007/-. The Corporation has also submitted a statement of arrears of repair cess for the period from 1st October, 1994 to 31st March, 2013 showing that an amount of Rs.36,35,291/- and statement of arrears of M.T.O.B. to the tune of Rs.1,464/-. There is balance in the Suit account of only Rs.7,65,706.89 ps. which is insufficient to pay the taxes. The Court Receiver has submitted that both the parties are not willing to deposit the arrears of property tax.

2. The above report has appeared before this Court from time to time. The Defendants are not appearing before the Court despite service. The Plaintiff who is the lessor of the Suit property and is required to initially pay the taxes and later recover it from the tenants, has sought and obtained several adjournments from this Court on the ground that the Plaintiff has filed a Complaint against revision of capital value of the Suit property from 1st April, 2015. Today, the learned Advocate appearing for the Plaintiff has informed the Court that the capital value fixed by the Corporation has been confirmed and it is held by the Investigating Officer that the liability of tax has been correctly fixed as contemplated under Section 146 (3) of Mumbai Municipal Corporation Act, 1888. The complaint is accordingly disposed of. In view of the above, the following order is passed :

- i. The Plaintiff shall deposit with the Court Receiver an amount of Rs. 48,79,762/- on or before 15th December, 2015 to enable the Court Receiver to pay the arrears of property tax, repair cess and M.T.O.B.
- ii. In the event of failure on the part of the Plaintiff to deposit the above amounts with the Court Receiver, the Court Receiver shall submit his report before this Court seeking discharge after giving notice to all the parties.
- iii. A copy of this order shall be forthwith served on all the Defendants by the office of the Court Receiver.

(S.J.KATHAWALLA, J.)