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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L.) NO.3489 OF 2015

M/s. Chauhan Brothers and Anr. ... Petitioners
Versus
Municipal Corporation of Greater Mumbai and Ors. ... Respondents

Mr. Rajesh Patil a/w Mr. C.B. Mali for the Petitioners.
Mrs. Shobha Ajitkumar for the Respondents.

**CORAM : A.S. OKA &
G.S. PATEL, JJ.**

DATE : 14th DECEMBER, 2015

PC.

1. Not on board. Taken on board.
2. Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for the Respondents. The learned counsel appearing for the Petitioners, on instructions, states that the Petitioners are not pressing prayer clause a(ii). We accept the statement.
3. The grievance in the Petition is that the first Respondent has detained Truck No.MH-46 F 6282 as well as the goods loaded therein. Our attention is invited to a receipt issued by the Octroi Department of the first respondent – Municipal Corporation which is at Exhibit – C to the Petition. It shows that in respect of the goods loaded

in the said Truck No.MH-46 F 6282, a demand of octroi in the sum of Rs.12,627/- was made. On 27th November, 2015, the Petitioners have not only paid a sum of Rs.12,627/- but also the penalty of Rs.1,26,270/-.

4. The learned counsel appearing for the Respondents has not disputed the deposit of the amount by the Petitioners.

5. Hence, there is no reason for the Respondents to withhold the custody of the Truck and the goods loaded therein. Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) We direct the Respondents to release the Truck No.MH-46 F 6282 and goods loaded therein to the Petitioners immediately on the production of an authenticated copy of this Judgment and Order;
- (ii) The Petition is disposed of on above terms.
- (iii) All concerned to act upon an authenticated copy of this order.

(G.S. PATEL, J)

(A.S. OKA, J)