

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.44 OF 2015

[M/s. Mobile Villa .vs. The Municipal Commissioner and one]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.S. Agrawal, counsel for the petitioners,
 Shri J.B. Kasat, counsel for the respondents.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : OCTOBER 26, 2015.

By this petition, the petitioners challenge the order of the Additional Deputy Municipal Commissioner/Appellate Authority under the Local Body Tax Rules, directing the petitioners to deposit the amount of disputed tax, interest and penalty.

According to the petitioners, under the provisions of the Local Body Tax Rules, it would not be necessary for the petitioners to deposit the interest and penalty while filing the appeal.

Shri Kasat, the learned counsel for the respondent-Corporation, states that the cause for filing the writ petition has been rendered infructuous, as this court had directed the respondent-Corporation to adjudicate the appeal filed by the petitioners under Section 406 of the Maharashtra Municipal Corporations Act. It is stated that the appeal has been decided without insisting on the payment of penalty and interest.

In view of the statement made by the learned counsel for the respondent-Corporation, the cause of action would not survive. The writ petition is disposed of, with no order as to costs. The points raised in this writ petition are, however, kept open.

JUDGE

JUDGE