

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 2 of 2015

1. Mayor-In-Council Through Its President, Municipal Corporation, Raipur C.G.
2. Municipal Corporation Riapur, through Its Commissioner, Municipal Corporation, Raipur C.G.
3. Commissioner Municipal Corporation, Raipur C.G.

---- Petitioner

Versus

1. M/s Shanti Vijay Advertisers, a proprietorship firm having Its Office At Shanti Vijay Market, Sadar Bazar, Raipur, through Its Proprietor Khoobchand Parakh, S/o Annopchand Parakh, Age- 56 Yrs.
2. M/s Shanti Advertisers a proprietorship firm having Its Office At 27, S.B.I. Colony, Fafadih Chowk, Raipur, Through Its Proprietor Prabodh Jain, S/o Prakash Chand Jain, Age- 37 Yrs.
3. M/s Eros Advertisers a proprietorship firm having Its Office At 273, 2nd Floor, Shivam Chambers, M.G. Road, Sunder Nagar, Raipur, Through Its Proprietor Rajkumari Mathani, S/o Shivaji Mathani, Age- 52 Yrs.
4. M/s Sai Publicity a proprietorship firm having Its Office At 1st Floor, Deshlahare Sadan, Near Kankali Hospital, Satti Bazar, Raipur, Through Its Proprietor Praveen Deshlahare, S/o Kuber Chand Deshlahare, Age- 57 Yrs.
5. M/s Shishir Advertisers a proprietorship firm having Its Office At Near Jain Kids, Baijnathpara, Raipur, Through Its Proprietor Shri Shishir Jain, S/o Surendra Kumar Jain, Age- 62 Yrs.
6. M/s Ajay Advertisers a proprietorship firm having Its Through Its Proprietor Ajay Jain, S/o Jasram Jain, Age- 51 Yrs, R/o Ajay Advertising, 208, Patwa Complex, M.G. Road, Raipur C.G.

7. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Naya Raipur C.G.

---- Respondent

For Petitioners	Shri H.B. Agrawal, Sr. Advocate with Ms. Meera Jaiswal, Advocate
For Respondents No.1 to 6	Shri B.P. Sharma, Advocate with Shri Sameer Oraon, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

06/09/2016

1. The review application has been preferred by the Municipal Corporation, Raipur, ('the Corporation' for brevity) to rehear the matter and decide the issue whether the demand notices were issued beyond 3 years or not.
2. The respondents No.1 to 6 herein had preferred WPC No.7470/2010 questioning the decision of the Corporation alleging that it has issued demand notices for recovery of licence fees and permission fee for advertisement within a block of 3 years although the rules permit for revision of such fees once in every 3 years. The writ petition was disposed of with a direction to the Corporation to revise the rates in accordance with the provisions of Section 366 (11) of the Chhattisgarh Municipal Corporation Act, 1956.

3. In WA No.449/2014 preferred by the writ petitioners, the Division Bench considered the submission of the rival parties and has passed the following order at paras 8 to 10 :

8) Recitals in the order sheets of the Court are sacrosanct. If a party has any grievance with regard to the notings in the order sheet, it is for the aggrieved to file application first before the Court which has passed the order.

9) Paragraph 4 of the order under appeal notices the submission of the Respondent Corporation after considering which the demand notice has been quashed. We are satisfied from the order that no demand can be raised within a period of three years by way of revision of licence and permission fee. Any demand raised beyond three years is an entirely different matter with which we are not concerned at this stage.

10)The order under appeal is therefore modified in the penultimate paragraph to the extent that the matter has been left open for appropriate decision by the authorities. The demand is quashed to the extent that it is for the period within three years from the date of the original licence and permission fee.

4. It appears, the Division Bench had sufficiently dealt with submission made by the learned senior counsel appearing for the Corporation and has already clarified the order quashing the demand only to the extent when the same is

issued for the period within 3 years from the date of original licence and permission fees meaning thereby that any demand issued after block of 3 years has not been interfered by this Court.

5. In the opinion of this Court, there is no error apparent on the face of record or any ambiguity requiring review or modification or clarification of the order.

6. The review petition is, therefore, disposed of being unnecessary.

Sd/-

Judge
Prashant Kumar Mishra

Gowri