

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7744 OF 2015

IDARA E BAHBOODI NISWAN, EDUCATION SOCIETY, AURANGABAD
VERSUS
THE MUNICIPAL CORPORATION, AURANGABAD AND ANOTHER
...

Advocate for Petitioner : Mr. A.H. Sabnis, Advocate h/f. Miss Rashmi

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 11th AUGUST , 2016.

PER COURT:

1] The petitioner is challenging the order dated 25.11.2014 whereby request of the petitioner seeking exemption from payment of Property Tax is rejected.

2] The exemption from property tax is available to charitable institutions, however, for that purpose proof of various aspects would be required. Even in the judgment of the learned Single Judge of this Court, in the case of ***Welfare Society vs. Municipal Corporation reported in 2009(1) Bom. C.R. 778***, relied by Mr. Sabnis, learned counsel for the petitioner, the Court had considered the relevant factors which are required to be satisfied by the society. The Division Bench of this Court, in the case of ***Balkrishna Vora Vs. Pune Municipal Corporation, reported in 1963 Mh.L.J. 325***, had held that in such a case, civil suit would be maintainable. Mr. Sabnis also relied on the judgment of the Division Bench of this Court in the matter of ***Titan Industries Ltd. Vs. Thane Municipal Corporation and another***, Appeal from No. 1379 of 2010.

3] In the light of above, writ Petition is disposed of, with liberty to the petitioner to avail the remedy of suit, as is permissible in law. No costs. The forum where the proceedings would be filed shall consider the time spent in prosecuting the present writ petition.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-