

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1155 OF 2016

M/s. Dipika Silk Mills Pvt. Ltd. : Petitioner.
Versus
The Municipal Corporation of : Respondents.
Greater Mumbai and Anr.

Mr. A A Kumbhakoni, Senior Advocate i/by MSR and Associates for the Petitioner.

Mr. S S Pakale with Mr. Vinod Mahadik for the Respondent No.1 – Corporation.

CORAM : R. M. SAVANT, J.

DATE : 2nd May 2016

PC.

1 The writ jurisdiction of this court is invoked against the order dated 09/12/2015 passed by the learned Additional Chief Judge of the Small Causes Court, Mumbai, by which order the learned Additional Chief Judge issued the directions in the matter of making the pre-deposit for the Appeal to be filed by the Petitioners being heard.

2 The learned Additional Chief Judge has issued directions that the pre-deposit amount be deposited in the Court in a staggered manner . The subject matter of the Appeal is the determination by the Investigating Officer of the rateable value in the property in question for the period 01/04/2000 till 2008. In terms of the said rateable value the Petitioners herein who are the Appellants in the Appeal are liable to pay property tax which comes to

Rs.7,06,83,243/-. The Petitioner out of the said amount has paid an amount of Rs.2,61,29,694/- and therefore the balance remaining is Rs.4,45,53,559/-. The said amount has been directed to be paid in terms of the schedule fixed which finds a place in the operative part of the impugned order. The last of the payment in terms of the said schedule is to be made by October 2016, and after the said final installment is paid that the Appeal is directed to be registered and would therefore be taken up for hearing thereafter.

3 The learned Senior Counsel Shri A. A. Kumbhakoni appearing for the Petitioner would contend that since the Petitioner has already made deposit of two installments covered by Clauses (2) and (3) of the operative part of the impugned order, the Petitioner may be exempted from making further deposit in terms of Clauses (4), (5) and (6) of the impugned order.

4 In my view, it is not possible to accept the said contention of the learned Senior Counsel appearing for the Petitioner, having regard to the mandate of Section 217 of the Bombay Municipal Corporation Act, in fact the learned Additional Chief Judge has granted installments so as to facilitate making of the pre-deposit by the Petitioner. In my view, therefore, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]