

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

***CIVIL APPLICATION NO.1899 OF 2016
in
SECOND APPEAL NO.152 OF 2011***

The Executive Engineer (Water supply) .. Applicant

In the matter between
Anil Trilokchand Grover .. Appellant
Vs.

The Commissioner
Navi Mumbai Mahanagarpalika & Ors. .. Respondents

Mr.G.S. Hegde i/by M/s.G.S. Hegde and Associates for the applicant.

Mr.B.F.Raje for the appellant.

Mr.A.A. Garge for the respondent nos.1 to 3.

CORAM : R.D. DHANUKA, J.

DATE : 13th December 2016

P.C.

. This application is filed by the applicant pursuant to the order passed by this Court and in view of the order passed by Shri N.M.Jamdar, J. on 3rd May 2016 pointing out various amounts due and payable by the appellant till November 2016.

2. The appellant has filed reply to the civil application raising various disputes about correctness of the amounts demanded by CIDCO. Since this Court has upheld the validity and authenticity of the amounts demanded by the respondents in the two bills and two notices, I do not propose to go into the allegations and counter allegations made by the parties in this civil application and affidavit-in-reply respectively. In my view, since second appeal is itself dismissed, no separate adjudication

on the quantification is necessary in this civil application. This civil application is accordingly disposed of.

3. Pursuant to the ad-interim order passed by this Court on 5th August 2016, the appellant has deposited a sum of Rs.1,14,718/- towards additional lease premium and Rs.71,728/- towards water charges in this Court. The respondent nos.4 and 5 are permitted to withdraw the said amount deposited by the appellant without prejudice to their rights and contentions. Office is directed to permit the respondent nos.4 and 5 to withdraw the said amount expeditiously. It is made clear that the respondent nos.4 and 5 shall issue a receipt in favour of the appellant for recovery of the said amount under the aforesaid two heads without prejudice to their rights and contentions.

4. At this stage, Mr.Raje, learned counsel appearing for the appellant, on instructions, states that balance amount mentioned in Exhibit-A to the Civil Application No.1899 of 2016 after adjusting the aforesaid amounts, would be paid without prejudice to their rights and contentions by his client to the CIDCO within two weeks from today. If any such amount is paid by the appellant, the CIDCO shall accept the said amount without prejudice to their rights and contentions and shall issue a receipt in favour of the appellant.

R.D. DHANUKA, J.