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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETEITION NO. 8773 OF 2016

M/s. Accent Metals Pvt.Ltd. And Anr. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr.Jitendra Jain i/by Sonal Doshi & Co. for the petitioners.

Mr. Sandeep Gutherao i/by N.V. Tapore for respondent nos. 2, 3 and 5.

Mr. A.B. Vagyani, G.P. a/w Mrs. M.P. Thakur, AGP for respondent no. 1.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : JULY 28, 2016.**

P.C.

Not on board. Mentioned for urgent production. Production granted in view of urgency.

2. Parties through their counsel.

3. By this petition, petitioners are challenging the order dated 1.6.2016 passed by Navi Mumbai Municipal Corporation directing attachment of Bank accounts of the petitioners including Fixed Deposits in the State Bank of India, SME Backbay Reclamation

Branch, Mittal Court “B” Wing, Gr. Floor, Nariman Point, Mumbai. The grievance of the petitioners is that in view of the law laid down by this Court in the case of M/s. Sargam Foods Pvt. Ltd. And Ors. Versus State of Maharashtra and Ors., WP No. 4313 of 2008 decided on 8.7.2010, it is not open for the Municipal Corporation to attach the C.C. Account of the petitioners for recovery of cess. We find that in para 8 of the said order while observing the aforesaid, a liberty has been granted to the Corporation to proceed to recover the amount of cess liability in any other manner authorized by law.

4. In view of the aforesaid judgment passed by the Division Bench of this Court, we set aside that part of the impugned order to the extent by which Navi Mumbai Corporation has ordered attachment of the CC account of the petitioner in State Bank of India. However, it is open for Navi Mumbai Municipal Corporation to recover the amount of cess liability in any other manner authorized by law or from any other bank account of the petitioners except C.C. Account. With the aforesaid directions, petition is disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)