

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

WRIT PETITION NO.9911 OF 2016
WITH
WRIT PETITION NO.9912 OF 2016

GTL Limited & Another .. Petitioners.
v/s.
Navi Mumbai Municipal Corporation
& Others .. Respondents.

Mr. Narayan Sahu with Mr. Chirag Dave and Ms. Krishna i/b. Legasis
Partners, for the Petitioners in both the Petitions.
Mr. Sandeep V. Mare, for Respondent Nos.1 to 3 in both the Petitions.

**CORAM: M.S.SANKLECHA, &
S.C.GUPTE, JJ.**

DATE : 22nd SEPTEMBER, 2016.

P.C:-

At the request of the Counsel, the Petition is being disposed of finally at the state of admission.

2 These two Petitions under Article 226 of the Constitution of India, challenge final notices dated 16th July, 2016 each in respect of property tax issued by Navi Mumbai Municipal Corporation – Respondent No.1. The impugned final notices have been issued under Maharashtra Municipal Corporation Act, 1949 (the Act).

3 It is the Petitioners' contention that both the impugned notices dated 16th July, 2016 demanding an amount of Rs.83.40 lakhs in respect of property in Writ Petition No.9911 of 2016 and Rs.66.78 lakhs in respect of property in Writ Petition No.9912 of 2016, are without jurisdiction.

4 Both the final notices, according to the Petitioners, were not preceded by any notice of demand in respect of property taxes payable. This even though the impugned notices dated 16th July, 2016 indicate that notices of demand have been served upon the Petitioner.

5 It is the Petitioner's case that all property taxes have been paid and there are no arrears. Their attempts to obtain the particulars of the dues payable from the Corporation-Respondent No.1, has failed.

6 After hearing the parties, it would be appropriate that the Petitioners make a representation to Deputy Municipal Commissioner (Property Tax) of the Municipal Corporation, setting out its grievances with regard to the impugned notices within a period of two weeks from today. The representation would be considered by Deputy Municipal Commissioner and disposed of by a speaking order, indicating the basis on which the final impugned notice has been issued after taking into consideration the submission of the Petitioners. The representation of the Petitioners would be disposed of within a period of three weeks of the filing of the representation by the Petitioners. Needless to state that the Deputy Municipal Commissioner would dispose of the representation in accordance with the principle of natural justice including grant of personal hearing.

7 The impugned notices will not be acted upon for a period of two weeks from today. However, in case the Petitioners file its representation within a period of two weeks from today, then the Corporation-Respondent No.1 will not act upon the impugned notices dated 16th July, 2016 in both the Petitions till a final decision is taken on

the Petitioners' representation and for a further period of two weeks from the date of its communication.

8 Both **Writ Petitions disposed of**. No order as to costs.

(S.C.GUPTE,J.)

(M.S.SANKLECHA,J.)