Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12812 OF 2016

Madhu Kachharam Achhra .. Petitioner
Vs.
Ulhasnagar Municipal Corporation and anr. .. Respondents

Mr.R.S.Apte, Senior Advocate i/b Mr.N.R.Bubna, for the Petitioner.
Mr.Vishwajeet Sawant i/b Mr.Nikhil Chavan, for Respondent No.1.
Ms..R.A.Salunkhe, AGP for State.

CORAM : NARESH H. PATIL &
M.S.KARNIK, JJ.

23rd NOVEMBER, 2016

P.C. :

. Not on board. Taken up in the production board.

2. The petitioner challenges an order of the Corporation of sealing the petitioner's hotel. The petitioner has referred to an order passed by the 4th Joint Civil Judge, Senior Division, Kalyan in Special Suit No. 432 of 2010 which is said to be still pending.

3. Learned Counsel appearing for the Corporation submits that the petitioner has failed to pay the property tax with interest till this date and amount may be around more than Rs.50,00,000/- excluding penalty.

4. The learned Senior Counsel appearing for the petitioner submits that petitioner has not received the bills issued by the Corporation demanding property tax.

5. Learned Counsel appearing for the Corporation submits that all demand bills were sent to the petitioner.

6. The Corporation is expected to maintain the record regarding service of bills and notices on the property holders.

7. It seems that the petitioner has failed to deposit property tax for last five to six years.

8. Learned Counsel appearing for the petitioner, on

instructions of the petitioner who is present in the Court, undertakes to deposit Rs.15,00,000/- by tomorrow as first installment and remaining Rs.10,00,000/- within 7 days from tomorrow. In case the undertaking is complied with after depositing first installment, the Corporation shall de-seal the premises in question. In case second installment is not deposited, the Corporation is entitled to resort to appropriate remedy.

9. Without entering into the merits and demerits of the claim of the property tax, in the facts and circumstances, we direct that in case the petitioner deposits the property tax, the same shall be adjusted as and when the property tax issue is settled between the parties in appropriate forum. In case, the Corporation desires to take necessary steps for recovery of remaining property tax, if any, the Corporation is at liberty to resort to appropriate remedy as permissible in law.

10. It is clarified that we have not expressed any

opinion on merits of the claim of either of the parties regarding property tax dues.

11. With the aforesaid directions, Petition is disposed of.

(M.S.KARNIK, J.) **(NARESH H. PATIL, J.)**