

**WRIT PETITION NO.12847 OF 2016
WITH
CIVIL APPLICATION NO.3021 OF 2016
WITH
CIVIL APPLICATION NO.3022 OF 2016**

M/s.Hindustan Platinum Pvt. Ltd. .. Petitioner.
Vs.
The State of Maharashtra & Anr. .. Respondents.

**CORAM : M. S. SANKLECHA &
A.K. MENON , JJ.**

DATED : 22ND DECEMBER, 2016

P.C. :

1. Not on board. Mentioned, after notice to the Respondent - corporation. Upon mentioning, praecipe dated 22nd December, 2016 taken up for hearing.
2. Our order dated 15th December, 2016 while disposing of the Writ Petition had directed as under :

“10. However it is made clear that it is only on the petitioner furnishing the bank guarantee in favour of the Municipal Commissioner, Navi Mumbai Municipal Corporation on or before 23rd December, 2016 would the impugned order dated

9th November, 2016 and consequent demand be set aside. Thereafter LBT Officer would grant a hearing to the petitioner, at which time the petitioner will produce all the necessary evidence in support of its case.

11. Mr. Tapare, the learned counsel appearing for the Corporation on instructions states that within a period of three months from today, the LBT Officer would finalize the assessment for the period 2013-14 after following the principles of natural justice. Needless to state that the petitioner would cooperate with the Assessing Officer in early disposal of the assessment and attend the personal hearing when called for with the required documents and without seeking adjournments."

3. Mr.Shah, learned counsel appearing for the petitioner states that there is some difficulty in getting a bank guarantee from a Nationalised bank. Therefore he seeks extension of one week's time to furnish the bank guarantee to the Respondent - Corporation. Mr.Tapare, learned counsel appearing for the Corporation has no objection to the time being extended. Thus, the time to furnish the bank guarantee is extended upto 30th

December, 2016. It is made clear that in case the bank guarantee is not furnished on or before 30th December, 2016, the impugned order dated 9th November, 2016 and consequent demand would stand revived.

4. Mr. Tapare, learned counsel appearing for the corporation states that the draft bank guarantee which has been given to the corporation by the petitioner for its approval would along with proposed changes, if any, be made known to the Petitioner by 23rd December, 2016. No extension of time of three months as set out in our order dated 15th December, 2016 is sought by the corporation to pass the Assessment Order for financial year 2013-14.

5. In the above view, the time to furnish the bank guarantee is extended from 23rd December, 2016 to 30th December, 2016. It is also clarified that if the Bank guarantee is not furnished by 30th December, 2016 to the Municipal Commissioner the impugned order dated 9th November, 2016 and consequent demand would stand revived. Save the above, no change is made in our order dated 15th December, 2016.

6. Praecipe dated 22nd December, 2016 is disposed of.

(A.K. MENON,J.)

(M. S. SANKLECHA,J.)