

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2854 OF 2016

T.S.S. Business Ventures	.. Petitioner
v/s.	
Mumbai Municipal Corporation & Ors.	.. Respondents

Mr. Sanjay Haritwal for the petitioner
Ms. Geeta Joglekar for the respondent

**CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.
DATED : 23rd DECEMBER, 2016.**

P.C.

1. This petition under Article 226 of the Constitution of India challenges the detention of goods which have been detained on 25th October, 2015 by the Mumbai Municipal Corporation for non-payment of octroi. The petitioner's apprehension is that the detained goods would not be released unless the petitioner also pay penalty amount equal to 10 times the octroi payable. This apprehension was on the basis of letter dated 12th January, 2016 communicated by the Corporation to M/s. Uber India Systems Pvt. Ltd. - original purchaser of the goods which have now been relinquished the title of the goods.

2. Ms. Joglekar, learned Counsel appearing for the Corporation, on instructions, states that in view of the decisions of this Court in

Sushmita Sen Vs. Municipal Corporation of Greater Mumbai (2008), 2 Mah.L.J. 42 and M/s. Shri Tirupati Balaji Metals Vs. Mumbai Municipal Corporation & Ors. (Criminal Writ Petition No.3925 of 2011, decided on 16th January, 2012), no penalty is imposable as a condition precedent for the release of the detained goods. This is particularly so, in the absence of the petitioner making any application for compounding.

3. Ms. Joglekar, learned Counsel for the respondent Corporation further states that in case the petitioner pays the disputed amount of Octroi of Rs.97,482/- to the corporation, the detained goods would be released to the petitioner within 3 days of the receipt of the payment.

4. In view of the above statement made by Ms. Joglekar, learned Counsel for the Corporation, Mr. Haritwal, learned Counsel appearing for the petitioner seeks to withdraw the petition.

5. In view of the above, the petition is dismissed as withdrawn.

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)