

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2456 OF 2015

(Idea Cellular Ltd. vs. City of Nagpur Corporation and others)

Office Notes, Office Memoranda of

Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri M. Anilkumar, Advocate for petitioner. '

Shri S.M. Puranik, Advocate for respondent nos.1
and 3.

Shri B.M. Lonare, Assistant Government Pleader for
respondent no.2.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JULY 21, 2016

Heard for some time.

The petitioner has deposited amount of Rs.16,58,295/- only. Total demand by Corporation is for Rs.33,58,295/- as on 29/4/2013. It, therefore, appears that approximately 50% of the amount has been deposited by the petitioner.

Adv. Puranik for respondent nos.1 and 3 has pointed out that in addition to this amount, interest on earlier amount as also for later period is to be recovered from the petitioner.

The petitioner's attempt is to point out that

most of the advertisements are outside their Centres and, therefore, do not qualify as advertisements and are not, therefore, exigible. Adv. Puranik disputes this.

Being disputed question of fact, we are not in a position to adjudicate upon it. Our attention has been invited to judgment dated 15/11/2014 delivered in Writ Petition No. 5959/2013. There after hearing respective Counsel, as there was some factual dispute, the Court permitted respondent Corporation to hear objections and to take suitable decision in the matter.

In the present matter, petitioner has already shown bonafides. In this situation, we grant petitioner leave to make appropriate representation within three weeks from today with necessary documents in support of its contentions. If such representation is made, respondent Corporation shall after extending petitioner opportunity of hearing take suitable decision on the total amount due and payable within next three weeks. The question of interest, if any, shall also be looked into at that time.

The amount in deposit with Corporation shall be appropriated towards the tax amount ultimately found due at the end of this exercise.

With the above directions and keeping all

rival contentions open, we dispose of the petition.

No costs.

JUDGE

JUDGE

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CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

Uploaded by :

Kamal H. Jeswani
Private Secretary

Uploaded on :

22/07/2016