

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR

C.A.O. NO 1773/16 IN PUBLIC INTEREST LITIGATION NO. 107 OF 2013.
(Vidarbha Taxpayers Association (VTA) & another .vs. The State of Maharashtra
& others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. C.S. Kaptan, Senior Counsel with Mr. S.M. Puranik,
Advocate for applicants/respondent nos. 2 & 3,
Mr. S.D. Advocate for petitioners,
Mrs. K. Deshpande, A.G.P. for respondent nos. 1 & 4.

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : OCTOBER 13, 2016.

Though the respondent Corporation has approached this Court for review of the judgment and order dated 5.12.2015, Mr. C.S. Kaptan, learned Senior Counsel for applicants/respondent nos. 2 & 3, states that the Corporation is not pressing the application for review, but only seeking some clarification with regard to the operative part of the order.

It is submitted that in paragraph 26 of the judgment, this Court has directed the Fire Protection Fees to be refunded to the owners and occupiers. It is submitted that instead of refunding the said amount, it will be more appropriate that the said amount is adjusted towards the tax liability of the owners/occupiers. He submits that the Corporation would not recover the property and other taxes from the owners/occupiers till the amount received by it on Fire Protection Fees is adjusted towards the said property tax liability.

We find that the request made by the Corporation is reasonable. The last sentence of paragraph No. 26 is deleted and substituted as under :-

The Corporation would adjust the Fire Protection Fees recovered by it from the owners/occupiers towards the property tax liability of the owners and occupiers.

Judge

Judge

J.