

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER (STAMP) NO.5115 OF 2017

...
M/s. Vicat Sagar Cement Pvt. Ltd. ... Appellant
vs.
The Pune Municipal Corporation & Ors. ... Respondents

WITH

CIVIL APPLICATION (STAMP) NO.5116 OF 2017
IN
APPEAL FROM ORDER (STAMP) NO.5115 OF 2017

...
M/s. Vicat Sagar Cement Pvt. Ltd. ... Applicant

IN THE MATTER BETWEEN
M/s. Vicat Sagar Cement Pvt. Ltd. ... Appellant
vs.
The Pune Municipal Corporation & Ors. ... Respondents

...
Mr. Vishwajit P. Sawant i/b Mr. Prabhakar M. Jadhav for the Appellant.
Mr. Rajdeep S. Khadapkar for the Respondent Nos.1 to 3.

...
CORAM : A.A. SAYED, J.

DATED : 5 MAY 2017

P.C.:

Learned Counsel for the Appellant and the learned Counsel for the
Respondents are agreed to the following order being passed:

ORDER

- (i) The Demand Notice dated 18-3-2014 shall be treated as a
show cause notice;

- (ii) The Appellant shall give a bank guarantee in the amount of Rs.79,76,752/- to the Respondents and shall file a Reply and give all particulars to the Respondents as sought in the Notices dated 28-02-2014 and 13-03-2014 within four weeks from today;
- (iii) The Appellant shall withdraw the Special Civil Suit No.645 of 2014 filed by it before the Civil Judge, Senior Division, Pune on or before 12-06-2017;
- (iv) The letter dated 23-04-2014 addressed by the Pune Municipal Corporation to the Respondent No.4-Bank shall be treated as withdrawn;
- (v) The Appellant shall appear before the Joint Commissioner on 12-06-2017 at 11 a.m., when the matter can be heard or appropriate directions can be given by the Joint Commissioner as to hearing on the Show Cause Notice;
- (vi) Needless to say that the Joint Commissioner shall not be influenced by the earlier Demand Notices/Orders while passing the final order;
- (vii) In the event the final order of the Joint Commissioner is adverse to the interest of the Appellant, the bank guarantee shall not be enforced for a period of two weeks after the final order;
- (viii) All contentions on merits are kept open;

(ix) It is made clear that in the event the bank guarantee is not submitted and the Reply to the show cause notice is not filed within four weeks from today, the benefit of this order will not be available to the Appellant.

2. The Appeal from Order and the Civil Application are disposed of in the aforesaid terms.

All concerned to act on an authenticated copy of this order.

(A.A. SAYED, J.)