

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

**CIVIL APPLICATION NO. 727 OF 2017
IN
WRIT PETITION NO. 1636 OF 2017**

Reliance Communication Ltd. & Ors. .. Applicants /
Petitioners

v/s.

Thane Municipal Corporation & Ors. . Respondents

Mr. D.J. Kakalia i/b Mulla & Mulla & C.B.&C for the applicant
Mr. R.S. Apte aw/ Mr. N.R. Bubna for respondent nos. 1 to 3.

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

DATED : 24th MARCH, 2017.

P.C.

1. This Civil Application has been taken out by the applicants / petitioners to extend the time for filing the appeals under Section 406 of the Maharashtra Municipalities Act in respect of orders of the assessment relating to 80 mobile towers.

2. The petitioners seek extension in view of the following facts :-

(a) The orders of the assessment / bills dated 2nd February, 2017 against which appeals are being preferred were challenged in this Court by filing a Writ Petition No.1636 of 2017 on 6th February, 2017.

(b) On 23rd February, 2017, the petition was dismissed on the ground

that the petitioners have an efficacious alternative remedy provided under Section 406 of the Act.

(c) In view of Section 435 of the Act, the time spent in this Court in prosecuting the petition would stand excluded.

(d) Therefore, the petitioners were required to file its appeals from the 80 assessment orders / bills dated 2nd February, 2017 on or before 8th March, 2017. This after excluding the time spent in prosecuting the Writ Petition in this Court.

3. Mr. Kakalia, learned Counsel appearing for the applicants states that they are in the process of filing the 80 appeals and the same would be filed on or before 29th March, 2017. Since large number of appeals are to be filed by the applicants, there was a delay in filing the appeals before the Appellate Authority. This inspite of its best efforts. Therefore, he seeks extension of time to file the 80 appeals before the Appellate Authority till 29th March, 2017.

4. Mr. Apte, learned Senior Counsel appearing for the respondent objects to extension of time being granted. This, as the order dated 23rd February, 2017 of this Court dismissing the Writ Petition No.1636 of 2017 did not grant any time to file appeals before the Appellate

Authority.

5. In the peculiar facts and circumstances of this case, if the petitioners file its appeals along with its applications for condonation of delay in filing all the 80 appeals with the Appellate Authority on or before 29th March, 2017, then the Appellate Authority would consider sympathetically the applications for condonation of delay, if any, filed by the applicants along with their appeals on or before 29th March, 2017.

6. Thus, the Civil Application is disposed of in above terms. All contentions of the parties are kept open to be urged before the Appellate Authority.

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)