

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

WRIT PETITION NO. 3547 OF 2017

Chennai Network Infrastructure Ltd. & Anr. .. Petitioners
v/s.
The Nashik Municipal Corporation,
Nashik and Ors. ..Respondents

**WITH
WRIT PETITION NO. 3548 OF 2017**

GTL Infrastructure Ltd. & Anr. .. Petitioners
v/s.
The Nashik Municipal Corporation,
Nashik and Ors. ..Respondents

Mr. Iqbal Chagla, Senior Counsel a/w Mr. Nikhil Sakhardande, Rati
Lodha and Mr. Arun Sharma for the petitioners
Mr. M.L. Patil for the respondent Corporation

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

DATED : 24th MARCH, 2017.

PC.

1. Both these petitions under Article 226 of the Constitution of India challenge the following actions of the respondent no.1 Corporation in :-

(a) issuing final Notices being Exh-A to both the petitions demanding an amount of Rs.1.48 crores from GTL Infrastructure Ltd. and Rs.20 lakhs from Chennai Network Infrastructure Ltd.; and

(b) sealing the petitioners' 14 mobile towers (8 mobile towers in case of GTL Infrastructure Ltd.) and (6 in case of Chennai Network Infrastructure Ltd.) as well as disconnecting the electric supply thereto.

2. The basis of the aforesaid action on the part of the respondent Corporation was the alleged failure of the petitioners to pay the property taxes payable on the mobile towers under the Maharashtra Municipal Corporations Act, 1949 (the Act).

3. We had passed an order on 21st March, 2017 directing the Corporation to de-seal the mobile towers and also restore the electricity supply to the mobile towers.

4. We are informed that all the 14 mobile towers in aggregate have been de-sealed and the electricity supply also restored on 21st March, 2017 itself.

5. Therefore, the only remaining challenge is to the impugned final notices, being Exh.A in both the petitions. The grievance of the petitioners in both these petitions is that the bills which form the basis of the final notices have never been received by them. Consequently,

they have no knowledge of the basis on which the final notices have been issued demanding an amount of Rs.1.48 crores from M/s. GTL Infrastructure Ltd. and Rs.20 lakhs from Chennai Network Infrastructure Ltd. Thus, only the receipt of the bills which form the basis of the final notices, they would be in a position to appropriately respond to the same.

6. We note that the petitioners' on receipt of the impugned final notices dated 6th March, 2017 being Exh.A to both the petitions, have responded by filing representations on 10th March, 2017 and 18th March, 2017. In its representations, the petitioners herein pointed out non-sustainability of the impugned final notices.

7. Our order dated 21st March, 2017 in both these petitions had directed the Corporation to handover to the petitioners' representative the various bills which form the basis of the final notices being Exh.A in both the petitions. We are informed that the process is still underway and in any case if it has not been duly completed, it would be completed by 27th March, 2017.

8. Mr. Chagla, learned Senior Counsel appearing for the petitioners,

on instructions, states that they would pay to the Corporation an undisputed amount of Rs.39.67 lakhs in case of GTL Infrastructure Ltd. and Rs.11.98 lakhs in case of Chennai Network Infrastructure Ltd. on or before 30th March, 2017.

9. On the petitioners' paying the aforesaid amount of Rs.39.67 lakhs (in the case of GTL Infrastructure Ltd.) and Rs. 11.98 lakhs (in the case of Chennai Network Infrastructure Ltd.), the Corporation will hear the petitioners on their individual representations dated 10th March, 2017, 18th March, 2017 along with any further representation which the petitioners may make on receiving all the bills which form the basis of the final notices being Exh.A to both the petitions. However, Mr. Chagla, learned Senior Counsel states that the further representations, if any, would be filed by the petitioners on or before 30th March, 2017 with the respondent no.1 Corporation.

10. Mr. Patil, learned Counsel for the respondent Corporation, on instructions, states that the petitioners' representations dated 10th March, 2017, 18th March, 2017 and any further representation filed before 30th March, 2017, would be considered at the time of personal hearing. This personal hearing is being granted to both the petitioners

on 5th April, 2017 one after the other at 4.00 p.m. by Mr. Rohidas Dorkulkar, Dy. Commissioner, Tax and Valuation Department of the respondent no.1 Corporation. No separate hearing notice would be issued and the petitioners would present themselves at that time, if they desire to be personally heard. The Dy. Commissioner, Tax and Valuation will dispose of the representations in accordance with law.

11. Needless to state that the Corporation will not act further upon the impugned final notices being Exh.A to both the petitions till such time as the representations are finally disposed of in accordance with law.

12. In the above view, nothing survives in these two petitions. Therefore, both the Writ Petitions are disposed of in the above terms. No order as to costs.

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)