

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

WRIT PETITION NO. 3474 OF 2017

Zoroastrian Cooperative Bank Ltd. .. Petitioner.
v/s.
Thane Municipal Corporation
& Others .. Respondents.

Mr. Kaushal A. Tamhane i/b. Mr. Dhanuka & Partners, for the Petitioner.
Mr. N. R. Bubna, for the Respondent-Corporation.

**CORAM: M.S.SANKLECHA, &
S.C.GUPTE, JJ.**
DATE : 3rd APRIL, 2017.

P.C:-

This Petition under Article 226 of the Constitution of India , challenges undated bill (received in April, 2016) being Exhibit I to the Petition issued by the Thane Municipal Corporation, Thane. The impugned bill demands an amount of Rs.19.35 lakhs being the property tax, payable for the period 2012-13 to 2016-17. The basis of the Petitioner's challenge is that its complaint/ objection to the special notice dated 30th March, 2016, is still awaiting disposal. Thus, the impugned bill is bad in law.

2 Mr. Tamhane, learned Counsel for the Petitioner, on instruction, states that Rs.19.35 lakhs being the property taxes as demanded in the impugned bill under the Maharashtra Municipal Corporation Act, 1949 (Act) and the Rules made thereunder, will be paid to the Respondent No.1-Corporation within two weeks from today (after adjustment of the amount, if any, which has already been paid to the

Corporation). All he seeks is that the Assistant Assessor & Collector of the Corporation hears the Petitioner's complaint/objection and decides the same, in accordance with the law.

3 Mr. Bubna, learned Counsel for the Respondent-Corporation states that if within two weeks from today, the Petitioner pays the entire amount of property taxes of Rs.19.35 lakhs as demanded in the impugned bill, then the Assistant Assessor & Collector of the Respondent No.1-Corporation will hear the Petition and dispose of the complaint/objection as filed. However, he makes it clear, that in case Petitioner does not pay to the Corporation the entire amount of Rs.19.35 lakhs as stated by its Advocate, the Respondent-Corporation would be free to take such proceedings as are available to it against the Petitioner and/or the property in accordance with law. It is also made clear by him that the attachment of the property will continue. However, he states that no coercive proceedings would be taken for a period of two weeks from today, and thereafter, only if the Petitioner pays the entire amount of Rs.19.35 lakhs as directed above, till such time the Respondent-Corporation disposes of the complaint.

4 In view of the above statement made on behalf of the Corporation, the Petitioner seeks to withdraw this Petition, with liberty to file a further representation to the special notice within two weeks from today. Mr. Bubna, learned Counsel for the Respondent-Corporation has no objection to the above liberty being granted.

5 **Petition disposed of as withdrawn** with liberty as aforesaid.
All contentions left open.

(S.C.GUPTE,J.)

(M.S.SANKLECHA,J.)