

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 663 OF 2014
AND
CIVIL APPLICATION NO. 750 OF 2017

Adilon Synthetics Pvt. Ltd. .. Appellant
vs.
Municipal Corporation of Greater
Bombay and anr. .. Respondents.

Mr. S.S. Deshmukh for the Appellant.
Mr. N.V. Walawalkar, Sr. Advocate i/b Mrs. M.R. Bhoir for the
Respondents.

CORAM : M. S. SONAK, J.
DATE : 20 MARCH 2017.

P.C. :-

IN FIRST APPEAL NO. 663 OF 2014

1] The appeal is yet to be admitted. The hearing was deferred from time to time, since, it was reported that the matter is pending before the Advisory Board of Municipal Corporation of Greater Bombay (MCGM) for purpose of working out some settlement. Mr.S.S Deshmukh, learned counsel for the appellant, submits that the Advisory Board is due to meet some time in the month of April 2017.

2] The matter has been adjourned on several occasions in order to await the decision of the Advisory Board. Accordingly, the appeal can be admitted and the same is admitted. In case, the settlement is arrived at, the parties are at liberty to apply for disposal of this appeal on the basis of such settlement.

3] It is clarified that the admission of this appeal will not in any manner hinder the Advisory Board, which is considering the issue of settlement, from proceeding with the matter and taking a decision on the aspect of settlement. The Advisory Board to, therefore, proceed with the issue of settlement in accordance with law and on its own merits.

IN CIVIL APPLICATION NO. 750 OF 2017

4] The appellant has deposited, in all, sum of Rs.35,77,588/- in this court. If this be so, the Municipal Corporation of Greater Mumbai is permitted to withdraw such amount along with accrued interest thereon, if any.

5] The aforesaid withdrawal, however, shall be subject to final orders that shall be made in this appeal. In case, the appeal succeeds, the MCGM shall be required to bring back the aforesaid amount along with interest as may be determined by this court. The MCGM to file an undertaking of Assistant Assessor, K-East Ward, in this court, to this effect.

6] Civil Application No. 750 of 2017 stands disposed of in the aforesaid terms.

(M. S. SONAK, J.)