

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NOTICE OF MOTION NO. 263 OF 2017

NOTICE OF MOTION [L] NO.197 OF 2017

WRIT PETITION NO. 322 OF 2002

IN THE MATTER BETWEEN

The Association of Hospitals & Anr.] Petitioners

Municipal Corporation of Greater Mumbai] Respondents
and others.

Mr. Rahul Gaikwad i/b Kay Legal & Associates, for petitioners.

Mr. S.S. Pakale a/w Ms. Pooja Yadav for applicant and respondent
No.1 MCGM.

Mr. Kedar Dighe, AGP for State- respondent No.5.

CORAM : R.G. KETKAR, J.

DATE : 23RD JUNE, 2017.

P.C.

Heard Mr. Gaikwad, learned Counsel for petitioners,
Mr. Pakale, learned Counsel for applicant and respondent No.1 and
Mr. Dighe, learned A.G.P, for respondent No.5.

2. This Motion is taken out for restoration of Notice of Motion [L] No. 297 of 2017 and for extension of time for removal of office objections.

3. Mr. Pakale submitted that Notice of Motion (L) No. 197 of 2017 was heard on 29th March, 2017 and applicants were directed to remove all office objections on or before next date of hearing, failing which the Notice of Motion was to be dismissed without referring to the Court. Order dated 29th March, 2017 was corrected on 3rd April, 2017. Mr. Pakale submits that applicants have removed all the office objections.

4. In view thereof and for the reasons recorded in the affidavit in support of the Motion, Motion is made absolute in terms of prayer clause (a) with no order as to costs.

5. Notice of Motion [L] No. 197 of 2017 is taken on board and at the request of learned Counsel taken up for hearing.

6. By this Motion, applicants have prayed for dismissing the Writ Petition filed by the respondent [petitioner herein] with

compensatory costs and direction is sought against M/s. Lilavati Hospital and Research Centre, Mumbai to pay a sum of Rs. 18,59,10,534/- to the applicant Corporation as shown in a separate chart annexed to the Affidavit along with the interest @ Rs. 6.25% as provided under the Mumbai Municipal Corporation Act, 1888.

7. Mr. Pakale submitted that Petition instituted by Association of Hospitals is admitted and no interim order is operating.

8. In view thereof, it is not possible to grant any relief in the Motion. Motion is accordingly disposed of with no order as to costs reserving liberty to the Corporation to proceed for recovery of tax in accordance with law.

[R.G. KETKAR, J.]