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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3021 OF 2016**

Mrs. Geeta Pradip Kampani & Anr.

..Petitioners

Versus

The Municipal Corporation of
Greater Mumbai & 2 Ors.

..Respondents

.....

Mr. Raj Patel a/w Ms. Deeksha Jani i/b. Hariani & Co. for the Petitioners.

Ms. Geeta Joglekar for Respondent nos.1 and 2.

Ms. Ayesha M. Pinto i/b. Legal Associates for Respondent no.3.

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

DATE : 23rd FEBRUARY, 2017

PC.

1. This petition under Article 226 of the Constitution of India challenges the demand notice dated 3rd September, 2016 issued by respondent no.2 Assistant Assessor and Collector of the Mumbai Municipal Corporation (respondent no.1). The impugned notice seeks to recover a demand of Rs.1,70,88,868/- of property tax for the period from 1st April, 2004 to 31st March, 2017.

2. On 2nd February, 2017, we had directed the parties to carry out reconciliation of the demand raised by the Corporation with the amount

payable according to the petitioners. In terms of our directions, the petitioners had approached the Municipal Corporation and consequent to the aforesaid exercise of reconciliation the amounts now payable according to the Corporation is Rs.1,28,13,897/- for the period 2004 to 2017. The aforesaid amount of Rs.1.28 lakhs is an aggregate to Rs.99.77 lakhs (ratable value) and Rs.28.36 lakhs (capital value).

3. The amount of Rs.28.36 lakhs is payable from 1st March, 2010 onwards. Mr. Patel, the learned counsel appearing for the petitioners very fairly, on instructions states that the aforesaid amount of Rs.28.36 lakhs would be paid within two weeks from today as there is no dispute raised with regard to the above amount, as the challenge in this petition is only upto 31st March, 2010.

4. So far as the balance amount of Rs.99.77 lakhs (ratable value) being the demand raised by the Respondent no.1 – Corporation is concerned, Mr. Patel, on instructions, seeks to withdraw this petition with liberty to file an appeal under Section 217 of the Mumbai Municipal Corporation Act to the above extent only.

5. Liberty granted

6. Needless to state, the appellate authority would consider the application for condonation of delay, if any, filed by the petitioner's on its own merits and also bearing in mind the fact that consequent to moving this petition the Corporation has itself reduced a demand from Rs.1.70 crores to Rs.1.28 crores for the period 1st April, 2004 to 31st March, 2017.

7. Petition is dismissed as withdrawn with the aforesaid liberty. No order as to costs.

(A. K. MENON, J.)

(M. S. SANKLECHA, J.)