

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.W.NO. 2082/2017 IN W.P.NO. 1818/1994.

Raisaheb Rekchand Mohta Spinning and Weaving Mills

-VERSUS-

Municipal Council, Hinganghat and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 07, 2017.

Heard Shri K.H. Deshpande, learned Senior Counsel with Shri M.M. Agnihotri, learned Counsel for applicant/petitioner, Shri F.T. Mirza, learned counsel for respondent no.1 and Shri A.R. Patil, learned Counsel for respondent no.2.

2. After judgment of this Court in Review dated 22.03.2017, octroi needs to be levied by the Municipal Council. Dispute arising out of such levy and demand cannot form subject matter of disposed of proceedings. Hence, all rival contentions in relation to demand made by the Municipal Council on 20.07.2017,

2

are kept open. However, it is apparent that till the assessment proceedings are finalized and liability of applicant is determined, the amount in deposit with the Registry of this Court cannot be withdrawn by anybody.

3. We therefore, direct the Registry not to permit either Municipal Council, Hinganghat or its contractor M/s. Jain Associates or then petitioner /applicant to withdraw that amount. The amount shall be retained and continue to be invested as per earlier directions until further orders of the Court in the matter.

4. Civil Application is accordingly partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.