

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3886 OF 2018

Reshma Ravindra Bhagat

....Petitioner

V/s.

Union of India Through the
Secretary and Ors.

....Respondents

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Mr. Shriniwas S. Patwardhan, Advocate for the petitioner.

Ms. S.V. Bharucha a/w. Mr. C. Chavan, Advocate for
respondent no.1.

Mr. Sham Walve, Advocate for respondent no.2.

CORAM :-

M.S. SANKLECHA, &

SANDEEP K. SHINDE, JJ.

DATE :-

7TH JUNE, 2018.

P.C. :-

1. This petition seeks the following directions :

(i)to cancel the auction of a residential property

“Mauli Chhaya” at Panvel in terms of

proclamation of sale dated 9th March, 2018; and

(ii) direct the respondent no.2-the Tax Recovery Officer to take up the petitioner's representation dated 26th March, 2018 filed in terms of Rule 11 of the second Schedule to the Income-Tax Act, 1961. The petitioner claims to be the joint owner of the residential property which has been put up for auction by the Income-Tax Officer to recover the dues of the other joint owner i.e. her husband.

2. Mr. Walve, the Learned Counsel appearing for the respondent no.2-Revenue, on instruction, states that consequent to the representation dated 26th March, 2018 received from the petitioners, the auction which was otherwise scheduled on 31st March, 2018 has been adjourned pending the disposal of the representation made on 26th March, 2018 filed by the petitioners. It is further stated by Mr. Walve that, respondent no.2 had sought certain documents from the petitioner to establish her claim as made in the communication dated 26th

March, 2018. However, on instructions, Mr. Walve states that the documents sought for have not been forwarded to the respondent no.2 till date. On the other hand, Mr. Patwardhan, on instructions states that no such communication as alleged by the respondent no.2 was received by the petitioners.

3. Be that as it may, Mr. Walve, appearing for respondent no.2 states that in case the petitioners come tomorrow i.e. on 8th June, 2018 at 3.00 p.m. to the office of the respondent no.2, the communication seeking documents from the petitioner would be handed over to the petitioner. Mr. Patwardhan, on instructions states that on obtaining the requisition from respondent no.2 tomorrow i.e. on 8th June, 2018 at 3.00 p.m. they would file further representation alongwith such documents as are appropriate in support of their representation on/or before 22nd June, 2018.

4. It is agreed between the parties that, the

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hearing of the representation dated 26th March, 2018 would be held at the office of respondent no.2 on 26th June, 2018 at 3.00 p.m. Needless to state that, thereafter appropriate orders would be passed by the respondent no.2 in accordance with law.

5. The petition stands disposed of in above terms.

(SANDEEP K. SHINDE, J)

(M.S. SANKLECHA, J)