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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4153 OF 2018

Shivai Vidyaprasarak Mandal ... Petitioner
Versus
Thane Municipal Corporation and Ors. ... Respondents

Mr. H.S.S. Murthy, I/b Mr. Abhishek Patil, for the Petitioner.
Mr. Shekhar Jagtap, with Ms. Sairuchita Chowdhary, I/b J.
Shekhar & Co. for Respondent No.1.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 29TH JUNE, 2018

PC:-

1. The learned counsel appearing for the Petitioner on instructions states that Petitioner is not pressing the Petition. He, however, seeks an order of refund of the amounts which are paid by the Petitioner to the Respondent No.1 – Municipal Corporation on the basis of ad-interim orders of this Court passed in this Petition. As the Petitioner is not pressing the Petition on merits, the said prayer will have to be accepted. Accordingly, we dismiss the Petition as not pressed.

2. The amounts paid by the Petitioner to the Respondent No.1 – Municipal Corporation under the orders dated 6th June, 2018 and 5th June, 2018 were paid by the Petitioner without prejudice

to the rights and contentions of the parties and were accepted by the Respondent No.1 without prejudice to its rights and contentions.

3. Therefore, we direct that on a formal application in writing made by the Petitioner, the amounts paid by the Petitioner as per the aforesaid orders to the Respondent No.1 shall be refunded to the Petitioner within a period of two weeks from the date on which the formal application made by the Petitioner.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)