

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4567 OF 2009

ALONG WITH

CIVIL APPLICATION NO.359 OF 2017

IN

WRIT PETITION NO.4567 OF 2009

ALONG WITH

WRIT PETITION NO.4530 OF 2009

ALONG WITH

CIVIL APPLICATION NO.360 OF 2017

IN

WRIT PETITION NO.4530 OF 2009

ALONG WITH

WRIT PETITION NO.4565 OF 2009

ALONG WITH

WRIT PETITION NO.4569 OF 2009

ALONG WITH

CONTEMPT PETITION NO.440 OF 2017

ALONG WITH

CONTEMPT PETITION NO.441 OF 2017

Bajaj Finserv Limited.] ... Petitioner

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. Prasad S. Dani, Senior Advocate a/w Mr. P. B. Kulkarni for
Petitioner

Mrs. Reena Salunke, Addl. G. P. for Respondent No.1.

Mr. Siddhesh Pilankar i/b Mr. Uday P. Warunjikar for Respondent
Nos.2 & 3.

**CORAM :- SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**
DATE :- AUGUST 21, 2018

P. C. :-

Parties through their Counsel.

2. By filing the present petitions under Article 226 of the Constitution of India, the Petitioner seeks direction to the Respondents to withdraw the notices of demand as well as the bills raised against them. During the pendency of the petition, the State Government has framed the rules in regard to computation of the taxes under Maharashtra Village Panchayats Taxes and Fees Rules, 1960. The grievance of the Petitioner is that before raising of the bills, no opportunity of hearing was ever given to the Petitioners in regard to this computation of the taxes. It is also the case of the Petitioner that the computation which has been introduced by way of framing of rules, requires to be applied retrospectively from the year 2011.

3. Having considered the submissions made by the learned Senior Counsel for the Petitioner as also the learned AGP and the learned Counsel for the Respondent Nos.2 and 3, we dispose of these petitions with liberty to the Petitioner to submit a detailed presentation with supporting documents before the Respondent Nos.2 and 3. On receipt of the same, the Respondent Nos.2 and 3 shall examine the grounds as may be raised by the Petitioner in representation and shall pass a speaking order in accordance with law after giving due opportunity of hearing to the Petitioner. The Petitioner to submit representation within four weeks from today. The Respondent Nos.2 and 3 shall decide the said representation within four months from the date of receipt of the said representation. With the aforesaid direction, the petitions stand disposed of. Till the representation is decided, no coercive steps shall be taken for recovery of the amount for which the bills have been raised.

4. As a consequence, Civil Applications and Contempt Petitions also stand disposed of.

5. All the contentions are kept open.

(SARANG V. KOTWAL, J.)

(SHANTANU KEMKAR, J.)