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

***CONTEMPT PETITION NO.312 OF 2017
IN
WRIT PETITION NO.3708 OF 2017***

PYC Hindu Gymkhana
Through its Club Secretary
Vasant Gopal Chinchalkar ...Petitioner
Versus
Kunal Kumar, The Commissioner and Anr. ...Respondents

Mr.Vineet Naik, Senior Counsel, i/b Mr.S.R.Kulkarni, for the Petitioner.

Mr.A.P.Kulkarni, for the Respondent Nos.1 and 2.

***CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.***

DATE : 4th DECEMBER, 2018

P.C. :

1. Heard Mr.Naik, learned senior counsel for the Petitioner.
2. Mr.Kulkarni, learned counsel for the Pune Municipal Corporation invited our attention to the additional affidavit dated 5th August, 2017, on behalf of the Respondent Nos.1 and 2 and in particular paragraph 3 of the said affidavit, which reads as follows:-

“3. I therefore humbly submit that since PMC is restrained from recovery of said amount and coercive action for the recovery of Property Tax amount. I further say that PMC will not insist for the payment till the interim orders passed by the Civil are in operation and will not take coercive action for the recovery till such orders are operating. However, I humbly submit that keeping the legal remedies open and without prejudice to rights and contentions of PMC; I am making above statement. It is in the interest of Corporation that the Petitioner is put to the notice about the demand or assessment of the Property Tax for its property which will obviously be subject to the outcome of pending litigation and recoverable as per the provisions of law.”

3. Mr.Naik, learned senior counsel for the Petitioner, apprehends that despite the above statement, Pune Municipal Corporation will issue fresh notice for further period and insist for payment of the bill therein.

4. Mr.Kulkarni, learned counsel for the Pune Municipal Corporation, on instructions, reiterates the statement made in paragraph 3 of the additional affidavit dated 5th August, 2017 and submits that even if a fresh notice for further period is issued to the Petitioner, the Pune

Municipal Corporation, cannot recover or take coercive action against the Petitioner, until the orders of the Civil Court, which are in favour of the Petitioner, are in operation.

5. In the light of the above, Mr.Naik, learned senior counsel for the Petitioner, fairly conceded that the grievance made by the Petitioner in this Petition, does not survive.

6. The Contempt Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

RANJIT MORE, J.