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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2509 OF 2017

Reliance Retail Limited

... Petitioner

vs.

Municipal Corporation of Greater Mumbai

... Respondents

and Ors.

Mr. Ankit Lohia a/w. Mr. Gaurav Thakur and Mr. Sidesh Koti for the Petitioner.

Mr. B. M Chatterji, Senior Advocate a/w. Ms.Pooja Yadav for the Respondent.

CORAM : A.K. MENON, J.

DATE : 21st AUGUST, 2018

P. C.

1. The challenge in this Writ Petition is to the Corporation's reluctance in refunding property tax said to have been paid in excess by the petitioner. The petitioner was occupant of premises situated at Shop No. 2 to 11, Choudhary Nagar, Thakur Complex, Kandivali, Mumbai in R-South Ward under a leave and licence agreement from where it operated a grocery & provisions store.

2. Mr. Lohia tenders an additional affidavit which is taken on file. It is the petitioners case that a sum of Rs. 6,69,684/- has been paid in excess as set out in the additional affidavit tendered today. The Corporation's reluctance to refund the amount since it had demanded that the petitioner obtains a no objection certificate from the society in which the said premises was housed prior to considering refund of the excess tax collected.

3. The Society has since furnished no objection certificated dated 10th April, 2018 copy of which is annexed to this affidavit at Exhibit-C. It categorically states that amount of Rs. 6,69,684/- is found to have been paid in excess by the petitioner and that the Society has no objection if the amount is refunded directly to the petitioner.

4. Mr. Chatterji, learned Senior Counsel appearing on behalf of the Corporation states on instructions that if the original no objection certificate is furnished to the corporation R South Ward, the application for refund will be processed within a period of three weeks of receipt of such no objection certificate.

5. In view of this statement the Writ Petition disposed of in the above terms. The respondent no.1 shall ensure compliance with the above.

(A.K. MENON, J.)

Rajeshwari
Ramesh
Pillai

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signed by
Rajeshwari
Ramesh Pillai
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