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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 988 OF 2018
WITH
NOTICE OF MOTION LODGING NO. 567 OF 2018

Inderlok Infra – Agro Pvt. Ltd.

.. Petitioner

Vs.

1. Municipal Corporation of Gr. Mumbai & ors.

.. Respondents

Ms. Priti S. Shah for petitioner.

Ms. Rupali Adhate for MCGM.

CORAM: NARESH H. PATIL, ACTING CJ. &
G. S. KULKARNI, J.

OCTOBER 16, 2018.

P.C.

1. It is submitted that the petitioner preferred proceeding i.e. M.A. No. 64 of 2015 being aggrieved by a Bill of tax (ratable value) in respect of the petitioner's premises for the period between 1/4/2009 to 31/3/2010 by depositing an amount of Rs.23,81,896/-. The petitioner, thereafter, approached the learned Single Judge of this Court by filing a Writ Petition No. 1997 of 2012, which was withdrawn by an order dated 6/5/2013 (Exh.-I).

2. The Corporation issued a special notice under Section 167 of the Mumbai Municipal Corporation Act, 1888 on 24/3/2009 in respect of the same subject property of the petitioner. The petitioner filed complaint in accordance with the statutory provisions. The complaint came to be decided by the Assessor and Collector, Designated Officer of the Corporation, by a speaking order on 21/8/2018, which is placed on record by the learned counsel for the Corporation. The learned counsel for the Corporation tendered affidavit-in-reply of Mr. Ram Chavan, Assistant Assessor and Collector G/North Ward on behalf of the Corporation, which is taken on record.

3. In short, the request made by the learned counsel appearing for the petitioner is that against the said order, passed on the complaint filed by the petitioner, the petitioner is required to file statutory appeal within the stipulated period of limitation.

4. We have perused the order dated 21/8/2018, relevant record, including the order passed by the learned Single Judge on 6/5/2013 in Writ Petition No. 1997 of 2012.

5. Without expressing any opinion on merits and on request made by the learned counsel for the petitioner seeking leave to withdraw the petition, we grant leave. Petition is disposed of as withdrawn. All contentions are kept open.

6. Notice of Motion Lodging No. 567 of 2018 does not survive and is disposed of.

G. S. KULKARNI J.

ACTING CHIEF JUSTICE