

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2564 OF 2018

Panchashil Corporate Part Private Limited ... Petitioner

Versus

State of Maharashtra & Anr. ... Respondents

Mr.S.S.Patwardhan for the Petitioner.

Ms.S.D.Vyas – B Panel Counsel for the State.

Ms.Madhavi Ayyappan i/b. Talekar and Associates for Respondent No.2.

CORAM : S.J.KATHAWALLA, &
B.P.COLABAWALLA, JJ.

DATE : 4TH DECEMBER, 2019

P.C. :

1. By the above Writ Petition, the Petitioner seeks the following reliefs,
which are reproduced hereunder :

“(a) That this Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing Respondent No. 2 to charge to the Petitioner’s property tax leviable under Section 127 (1) (a) of Maharashtra Municipal Corporation Act, 1949 at such rate equivalent to the rate of property tax leviable for residential properties in terms of IT and ITEDS Policy 2003, 2009 and 2015 issued by Respondent No. 1 for and from the financial year 2013-14 till 2017-18.

(b) That this Court be pleased to issue a writ of mandamus

or any other appropriate writ, order or direction in the nature of mandamus thereby directing Respondent No. 2 to refund to the Petitioner an amount of Rs.4,80,94,746/- being illegal and excessive recovery of property tax from the Petitioner as per Exhibit-G hereto.”

2. Our attention is drawn by the learned Advocate appearing for Respondent No.2 Corporation to the Appeals filed by the Petitioner under Section 406 of Maharashtra Municipal Corporation Act, 1949 (MMC Act) before the Small Causes Court, Pune impugning the property tax assessment orders passed by Respondent No. 2 Corporation. The last such Appeal is dated 6th April, 2016 and is numbered as 5 of 2016. The grounds in the present Writ Petition and in the Appeals filed before the Small Causes Court, Pune are common.

3. In view of the above, we are not inclined to entertain the present Writ Petition. However, we request the Principal Judge, Small Causes Court, Pune to assign all the Appeals to one Court and dispose off the same within a period of 16 weeks from the date of this Order with the Speaking Order dealing with all the grounds set out by the Petitioner in Appeal No. 5 of 2016.

4. A copy of this Order shall be produced before the Small Causes Court, Pune on 7th December, 2019 at 11.00 a.m., when the said Appeals are fixed for hearing to enable the Small Causes Court to pass appropriate directions.

5. All concerned to act on an ordinary copy of this Order, duly

authenticated by the Associate / PS / PA of this Court.

6. The Writ Petition is accordingly disposed off.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)