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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2339 OF 2015

ATC Telecom Tower Corporation Private Ltd. Petitioner.

Vs

Pune Municipal Corporation & Ors Respondents.

Mr. Pesi Modi, Senior Counsel a/with Mr. Neville Lashkari, Counsel a/with Mr. Pratik

Pawar and Mr. Shanaya Cyrus Irani i/by J. Sagar Associates for the Petitioner.

Mr. Abhijit Kulkarni for Respondent Nos. 1 to 3.

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

DATED :- 16th December, 2019.

P.C. :-

1. By an order dated 10th November, 2014, this Court in Writ Petition No.3326 of 2014 had interalia set aside the demand made by the Pune Municipal Corporation in the impugned notices/Bills at Exh. E to Exhibit E-30 only in relation to the penalty levied under Section 267A of the Maharashtra Municipal Corporations Act, 1949 with liberty to the Municipal Corporation to issue a show cause notice to the

petitioner calling upon the petitioner to pay the penalty. It was also recorded that all material particulars of the demand will be set out in the show cause notice.

2. We are informed that the said order dated 10th November, 2014 is not complied with by the Municipal Corporation till date. The learned Advocate for the Pune Municipal Corporation states that they will issue a show cause notice to the petitioner within a period of three weeks from today. The petitioner shall respond to the show cause notice within a period of four weeks thereafter. The Pune Municipal Corporation shall take a decision on the show cause notice within a period of four weeks from the date of receipt of reply to the show cause notice. In view of this order, the petitioner, at present, is not pressing for other reliefs set out in the Writ Petition.

3. The Writ Petition is accordingly disposed of. Liberty to apply.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)