

**Arcadia Premises Co-operative
Society Limited and Anr. ... Petitioners**

**The Municipal Corporation of
Grater Mumbai and Ors. ... Respondents**

Ms.Vandana Mahadik for the Respondents.

DATE :- MARCH 27, 2019

1. After this writ petition was argued for some time, bearing in mind its prayers, we indicated to Mr.Doctor appearing for the petitioners that the petitioners have an alternate and equally efficacious remedy of filing a statutory appeal so as to impugn and challenge the rateable value and the demand for taxes on that basis. On instructions, Mr.Doctor says that the petitioners would approach the competent court under Section 217 of the Municipal

Corporation Act, 1888 by filing an appeal, but their apprehension is that their appeal may not be entertained on the ground that it is time barred.

2. Mr.Doctor says that this petition is filed in this Court on 23rd January, 2012 and post its lodging and filing, it has been pending in this Court for seven years and more. The time spent in prosecuting this writ petition being *bona fide*, it be excluded from the period prescribed for filing that statutory appeal.

3. Acceding to this submission and in the facts peculiar to this case, we direct that if the appeal is filed within twelve (12) weeks period from today, the competent court shall not dismiss it on the ground that it is time barred. In the event, it is filed after twelve (12) weeks, the petitioners/appellants will have to satisfy that court that the petitioners were prevented by a sufficient cause in not filing appeal within time. The writ petition is disposed of.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)