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

WRIT PETITION (L) NO. 1037 OF 2019

Norinco Pvt.Ltd. ...Petitioner
vs
Municipal Corporation of Greater Mumbai & Anr. ...Respondents

Mr.Amogh Singh i/b. D.P. Singh for Petitioner.
Mr.J. Pochkhanwala, Senior Advocate, with Sheetal Matkari for Respondents / MCGM.
Mr.A.R. Jarag, Assistant Assessor & Collector (G/S), MCGM.
Mr.S.K. Bhawani, Ward Inspector, MCGM.

CORAM : S.C.GUPTE, J.

DATE : 29 MARCH 2019

P.C. :

This writ petition challenges a notice which has been termed as a 48 hours' notice concerning arrears of property tax and pasted on the wall of the building, which houses the Petitioner's office. The notice claims arrears in the sum of about Rs.8,69,84,199/-. The notice proposes to disconnect the watter supply to the building within 48 hours. It is the case of the Petitioner that it has duly paid property taxes payable by it and without calling for any break-up of property taxes and without any hearing, the Respondent corporation has not only gone ahead with pasting of a notice on the building but also proceeded to disconnect the water supply.

2 Mr.Pochkhanwala, learned Senior Counsel appearing for the Respondent corporation, submits that the Petitioner as well as the second Respondent society may submit particulars of break-up as also their case on payment of property taxes, whereupon the corporation shall give a

personal hearing to the Petitioner and Respondent No.2. Learned Counsel is not averse to the impugned notice being treated as a demand-cum-show cause notice on which hearing may be given to the affected parties.

3 Accordingly, the first Respondent corporation is directed to remove the notice pasted on the suit building and also restore the water connection to the building forthwith. The Petitioner as well as Respondent No.2 may submit a break-up of taxes paid by individual members together with a list of defaulting members and also respond to the corporation's demand contained in the impugned notice dated 22 March 2019. Such response must be submitted within a period of two weeks from today. The corporation shall hear the affected parties on this response within a period of four weeks thereafter and pass an appropriate order. All rights and contentions of the parties on merits are kept open. Respondent No.2 society is directed to co-operate in the matter of ascertainment of dues of property taxes claimed by the first Respondent corporation and passing of final orders, as indicated above, including the hearing before the corporation.

4 Since this effectively redresses the grievances of the Petitioner, the petition may well be disposed of in terms of the above order. The petition, accordingly, is disposed of with directions as above. No order as to costs.

(S.C. GUPTE, J.)