IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 WRIT PETITION NO.5841 OF 2021

GTL INFRASTRUCTURE LIMITED ..PETITIONER

VERSUS

AMALNER MUNICIPAL COUNCIL THR ITS CHIEF OFFICER AND ANOTHER ..RESPONDENTS

…

Mr. D. S. Bagul, Advocate for the Petitioner.
Mr. V. D. Hon, Senior Advocate i/by Mr. A. V. Hon, Advocate for Respondent Nos.1 and 2.

…

CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATED : 14th SEPTEMBER, 2021.

PER COURT:-

1. We have heard Mr. Bagul, learned counsel for the petitioner and Mr. Hon, learned senior counsel for respondents.

2. Mr. Hon, learned senior counsel submits that, the petitioner has remedy of Appeal under Section 169 of the Maharashtra Municipal Council and Industrial Township Act, 1965 before the Property Tax Approval Committee.

3. Mr. Bagul, learned counsel for the petitioner submits that, the impugned bills of demands are raised with retrospective effect. The mobile towers cannot be brought within the definition of building. The judgment of the Apex Court also clarifies the same.

4. All these contentions can be raised by the petitioner before the Property Tax Approval Committee. The Property Tax Approval Committee naturally will have to consider the contentions raised by the petitioner while deciding the Appeal.

5. In view of the fact that, the petitioner has alternate remedy available, we are not inclined to entertain the petition on merits.

6. Writ Petition is disposed of with liberty to the petitioner to avail the alternate remedy of Appeal before the Property Tax Approval Committee. In that event, all contentions of respective parties are kept open. If the Appeal is filed within a period of 10 days, the question of limitation would not be agitated. Interim arrangement made on 05.04.2021 shall continue till the disposal of the Appeal by the Property Tax Approval Committee.

7. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-2021