

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 3544 OF 2022

Smt. Kamal Ashok Panhalakar	... Petitioner
V/s.	
The State of Maharashtra and Ors.	... Respondents

with

WRIT PETITION NO. 3546 OF 2022

Suyog Dhondiram Lambe	... Petitioner
V/s.	
The State of Maharashtra and Ors.	... Respondents

with

WRIT PETITION NO. 3547 OF 2022

Neeta Mohan Kamble	... Petitioner
V/s.	
The State of Maharashtra and Ors.	... Respondents

with

WRIT PETITION NO. 3549 OF 2022

Gangubai Bhikaji Kamble	... Petitioner
V/s.	
The State of Maharashtra and Ors.	... Respondents

with

WRIT PETITION NO. 3552 OF 2022

Swami Ranjankumar Sorate ... Petitioner
V/s.
The State of Maharashtra and Ors. ... Respondents

with

WRIT PETITION NO. 3555 OF 2022

Sagar Vilas Kamble ... Petitioner
V/s.
The State of Maharashtra and Ors. ... Respondents

with

WRIT PETITION NO. 3556 OF 2022

Ranjana Ananda Kamble ... Petitioner
V/s.
The State of Maharashtra and Ors. ... Respondents

Mr. Aditya Sadashiv Raktade a/w. Dhyanesh M. Patil for the
Petitioners in all Petitions
Mr. V.S. Gokhale, 'B' Panel Counsel for the State in all Petitions
Mr. Drupad Patil for Respondent No.3 in all Petitions

***CORAM : S.V. GANGAPURWALA &
M.G. SEWLIKAR, JJ.***

DATE : 27 APRIL 2022

P.C. :-

We have heard the learned Counsel for the Petitioners,
learned Counsel for the Municipal Council and the learned AGP for
the State.

2. The Petitioners are the licensee of the Municipal Council. The Municipal Council it appears had constructed the shop and leased it to the Petitioners.

3. It is submitted that the lease rent is in the range of Rs.100/- to Rs.200/- per day depending upon the shop rent.

4. The learned Counsel for the Petitioners submits that the Resolution was passed on 3rd August 2021 by the Municipal Council for submitting proposal to the Collector to waive the rent and the water tax. The same is pending with the Collector. The Municipal Council had issued notice to the Respondents directing the payment of the rent. The Resolution passed by the Municipal Council is not adhered to. It is submitted that the rent is sought to be collected for the period of lock-down. The Respondents cannot collect the rent for the said period as the business of the licensee had stand still.

5. The learned Counsel for the Municipal Council submits that the Petitioners are bound to pay the license fee as agreed between the parties. The Petitioners had not paid the license fee even for pre-pandemic period. More than Rs.1,00,000/- is due against each Petitioner.

6. We have heard the learned AGP.

7. The Municipal Council is an instrumentality of the

State. It certainly would show concern about the business of the licensee which was at stand still during the complete lock-down period. It is for the Petitioners to approach the Municipal Authorities and make proposal to take a decision for waiver of some license amount during the period of lock-down. The Respondent – Municipal Council being an instrumentality of the State would certainly take a decision on the proposal sympathetically and equitably.

8. It is submitted that the Resolution dated 3rd August 2021 passed by the Municipal Council is forwarded to the Collector under the provisions of the Maharashtra Municipal Council, Nagar Panchayats and Industrial Townships Act, 1965. The Collector shall take decision about the said Resolution on its own merits preferably within four months.

9. Each of the Petitioners shall deposit an amount of Rs.25,000/- with the Municipal Council preferably within four weeks. The application shall be filed by the Petitioners as observed above for waiver of the license fee for the lock-down period and/or the period where the business was lost due to natural calamity.

10. The said application shall be filed within two weeks from today. The Chief Officer of Municipal Council shall take decision upon it preferably within four weeks from the date the same is filed.

11. Till the decision is taken by the Chief Officer of Municipal Council, further coercive action may not be taken against the Petitioners upon the Petitioners depositing the amount as directed above and the Petitioners paying future license fee regularly.

12. Writ Petitions are accordingly disposed of. No costs.

(M.G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

JYOTI
PRAKASH
PAWAR

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