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

WRIT PETITION 1520 OF 2011

Idea Cellular Limited & Anr.

... Petitioners.

V/s.

State of Maharashtra & 4 Ors.

... Respondents.

Mr. Amogh Joshi, Advocate a/w. Ms. Prangana Barua i/by
Bharucha & Partners for the Petitioner.

Mr. Amit Shastri, AGP for Respondent -1- State.

Mr. A. Y. Sakhare, Senior Advocate a/w. Shilpa Redkar for
the MCGM – Respondents 2 to 5.

CORAM : ROHIT B.DEO, J.

DATE : JULY 29, 2022

PC :

1. At the request of the learned counsel for the petitioners, leave to amend the petition is granted. The memo of petition be amended, as prayed in the draft amendment and paragraph 1A be added after existing paragraph-1 and the cause-title be also amended, as prayed in the draft amendment.

2. The learned counsel for the petitioners submits, on the basis of the instructions received, that the petition may be treated as withdrawn with liberty to prefer statutory appeal under section 217 of the Mumbai Municipal Corporation Act, 1888 ('Act').

3. The learned senior counsel for the Mumbai Municipal Corporation (Corporation), Mr. Sakhare fairly states that if the petitioners prefer the appeal within the next 30 days, the Corporation shall not raise objection to its tenability on the ground of limitation.

4. The interim order dated 28.11.2011 in the present petition shall continue to operate for the next 30 days and shall automatically lapse thereafter.

5. Learned senior counsel for the Corporation points out that sub-section 3 of section 217 of the Act provides for mandatory deposit of the disputed amount.

6. According to the learned counsel for the petitioners the amount in dispute is already deposited. Learned senior counsel for the Corporation does not concede that the entire disputed amount is deposited and that aspect will have to be determined by the appellate court.

7. The petition is disposed of as withdrawn in the aforesaid terms, leaving all contentions open for the appellate Court to decide.

(ROHIT B. DEO, J.)

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