

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14805 OF 2019

**PRAVARA MEDICAL TRUSTS AYURVEDIC COLLEGE AND EKNATH
AYURVEDIC HOSPITAL THROUGH ITS TRUSTEE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr . V. D. Hon (Senior Advocate)
AGP for Respondents/State: Mr. A. S. Shinde
Advocate for Respondent No.3: Mr. N. D. Batale
...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 16.02.2023

PER COURT :

. Heard.

2. The learned advocate for the petitioner, on instructions, seeks leave to withdraw the writ petition with liberty to avail of appropriate remedy of preferring a proceeding under Section 169 of the Maharashtra Municipal Council Nagar Panchayat and Industrial Township Act, 1965 [for short 'the Act'], but he solicits a direction regarding the amount which has already been deposited by the petitioner in this Court to be appropriated towards the impugned notice demanding the tax.

3. We dispose of the writ petition with liberty as prayed for. The amount deposited in this Court shall be paid to respondent no.3 – Municipal Council which shall issue a receipt about it to the petitioner.

Depending upon the result of the proceeding to be initiated, the amount shall be appropriated towards that liability. Simultaneously, even such payment shall be treated as a deposit which is a prerequisite for entertainment of an appeal under Section 169 of the Act.

4. The time spent in prosecuting the present remedy shall be considered under Section 14 of the Limitation Act, 1963.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

Sameer