

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4529 OF 1999

Kapil Jinvardas Fouzdar and Anr.

.. Petitioners

Versus

Municipal Corporation of Pune and Ors.

.. Respondents

.....

- Mr. S. D. Rayrikar for Petitioner
- Mr. Rajdeep S. Khadapkar for Respondent No.1

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 09, 2023

P.C.:

1. Heard Mr. Rayrikar, learned Advocate for Petitioner and Mr. Khadapkar, learned Advocate for Respondent No.1

2. Mr. Rayrikar and Mr. Khadapkar have taken me through the record of the case.

3. Record indicates that the original assessment was @ Rs.3,800/- in respect of the subject flat. The same was revised to Rs.17,300 by the Municipal Corporation after due computation.

4. Since Petitioner challenged the same by filing the statutory appeal under Section 406 of the Bombay Provincial Municipal Corporation Act, 1949 (for short '**the said Act**'), the same was revised to Rs.7,200/- therein. However in second appeal under Section 411 of the said Act the revised assessment was set aside and the original assessment of Rs.17,300/- was confirmed.

5. Hence the present Petition was filed by the Petitioner challenging the impugned order.
6. Mr. Khadapkar at the outset has placed on record copy of circular dated 29.10.2002 passed by the Assistant Commissioner, Pune Municipal Corporation, which is in form of office order in respect of revised assessment of the subject flat which revises the assessment of the subject flat to Rs.3,800/- with effect from 2002. It is taken on record and marked 'X' for identification.
7. Considering the office order dated 07.07.2007 which has now been placed on record, the impugned order dated 21.07.1998 does not survive any longer and is therefore quashed and set aside.
8. In view of the above, Writ Petition stands disposed.

[MILIND N. JADHAV, J.]

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