



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

WRIT PETITION NO. 13806 OF 2023

Equitas Small Finance Bank

...Petitioner

Versus

The State Of Maharashtra Thr The Secretary
Ministry Of Urban Development And Ors

...Respondents

***Mr. Amey Deshpande a/w Adv. Harsh Nishar, Advocates
for Petitioner.***

***Shri. A.I. Patel, Addl G.P. with Shri. R.S. Pawar APP, for the
State/Respondent No. 1.***

Mr. Abhijeet Kulkarni, Advocates for Respondent Nos.2 to 4.

***Mr. Ninad Laxman Naik, Authorized Representative for the
Petitioner/Bank is present in Court.***

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : NOVEMBER 4, 2023

P. C.

1. The above Writ Petition is filed seeking a writ Order and/or direction under Article 226 of the Constitution of India against the Respondent Nos. 2 to 4, to allow the Petitioner to carry on its business activities from the office premises situated on the first floor in building known as "Choice building", Survey No, 127/1/A2/A3 bearing CTS No.

833 Karishma Chowk, Kothrud, Pune (for short **“the said office premises”**). Respondent Nos. 2 to 4 are basically the Pune Municipal Corporation who have attached and sealed the entire “Choice Building” for non payment of their property taxes. The office premises described above are occupied by the Petitioner Bank who is a licensee of Respondent No. 5/Licensor of the said office premises.

2. The learned Counsel appearing on behalf of the Petitioner submitted that considering the nature of the business carried on by the Petitioner, which is basically banking activities, time to vacate the said office premises be granted, and for that, the Petitioner *inter alia* undertakes to vacate the said office premises and hand over vacant and peaceful possession thereof to Respondent Nos. 2 to 4 by 31st December, 2023. He submitted that this is necessary because of the ensuing festival season and to ensure that the common people who are account holders in the Petitioner/Bank should not to be inconvenienced. The learned Counsel appearing on behalf of the Petitioner further undertook to deposit an amount of Rs. 2 lakhs with the Respondent No.2 /Pune Municipal Corporation, without prejudice to its rights and contentions to claim the said amount from the Respondent No. 5/Licensor. He submitted that this amount is being paid for use and occupation of the office premises for the month of November and December respectively.

He submitted that further undertaken the Petitioner not to claim a refund of the said amount from the Respondent No.2 /Pune Municipal Corporation and has stated that the said Corporation is free to adjust the said amount towards the municipal taxes due in relation to the said office premises.

3. The learned Counsel appearing on behalf of the Petitioner has also tendered a written undertaking to this effect of Mr. Ninad Laxman Naik who is the authorized representative of the Petitioner. He also is present in court today. He has stated that he has the authority to give the aforesaid undertaking and has further informed the Court that the said undertaking shall be strictly complied with.

4. In these circumstances, the said undertaking of Mr. Ninad Laxman Naik, the authorized representative of the Petitioner, is taken on record and marked 'X' for identification. In the light of aforesaid undertaking, and considering that the common people, who are the account holders in the Petitioner/Bank, ought not to be inconvenienced, especially during the ensuing festival season, we pass the following order:-

(a) The Petitioner is temporarily permitted to carry on its business activities from the said office premises and it shall vacate

and hand over vacant and peaceful possession of the same to the Respondent No.2/Pune Municipal Corporation on or before the 31st December, 2023.

(b) An amount of Rs. 2 lakhs shall be paid by the Petitioner/Bank to the Respondent No.2 /Pune Municipal Corporation within a period of 3 days from today. It is only once the aforesaid payment is made that Respondent No.2 /Pune Municipal Corporation shall de-seal the office premises. As per the undertaking given by the Petitioner/Bank, they shall not, under any circumstances, claim a refund of the aforesaid amount from Respondent No.2 /Pune Municipal Corporation.

They are however free to make a claim against its licensor for seeking a recovery of this amount. If such a claim is made, the same shall be decided on its own merit and in accordance with law.

(c) If for any reason the Petitioner/Bank fails to vacate and hand over the vacant and peaceful possession of the said office premises to Respondent No. 2 on or before the 31st December 2023, then, in that event, Respondent No.2 /Pune Municipal Corporation is free to physically dispossess the

Petitioner/Bank and take over possession of the said office premises.

5. We make it clear that the present Order is passed considering the peculiar facts and circumstances of the present case including the nature of business carried on by the Petitioner/Bank. This Order shall be applicable only in respect of the said office premises and which forms the subject matter of the Writ Petition. This Order shall not be used as a concession for any other premises which are sealed by Respondent No.2 /Pune Municipal Corporation in the said “Choice Building” as this Court has not gone into any issues in respect of any other premises.

6. It is further made clear that this Court has not interfered with the recovery proceedings initiated by Respondent No.2 /Pune Municipal Corporation and it is open for the Corporation to proceed further in accordance with law for recovery of property taxes including auctioning the property, as per the rules applicable in that behalf.

7. The above Writ Petition is disposed of in the aforesaid terms. However there shall be no order as to costs.

8. Though we have disposed of the above Writ Petition, since the Petitioner/Bank is supposed to hand over vacant and peaceful possession of the said office premises to the Respondent No.2 /Pune

Municipal Corporation on or before the 31st December, 2023, we place the above Writ Petition on board for reporting compliance on 3rd January, 2024.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]