Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 10044 OF 2021
WITH
INTERIM APPLICATION NO. 283 OF 2023
IN
WRIT PETITION (L) NO. 10044 OF 2021

Oshiwara Link Plaza Commercial Premises Cooperative Society Ltd …Petitioner

Versus

The Municipal Corporation of Greater Mumbai & Ors …Respondents

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Mr Amogh Singh, *i/b Bhati Associates, for the Petitioner.*
Mr Yashodeep Deshmukh, *with Pooja Yadav, i/b Sunil Sonawane, for Respondents Nos. 1 to 4-MCGM.*

CORAM G.S. Patel & Kamal Khata, JJ.
DATED: 24th August 2023

PC:-

1. The Interim Application seeks restoration of the Petition. It is made absolute. The Petition is restored to file.

2. The Petition is infructuous. We say this because prayer clause (b) is a demand for individual property tax bills to be issued to 82-

unit holders. It is now common ground that as of 23rd May 2023, property tax bills are being separately issued. There is apparently a communication from the MCGM to the Society that property bills in respect of a set of SAC numbers comprising 82 units are fully paid up for the period ending 31st March 2023, but this is subject to a further revision, if any. For property under SAC No. KW-15-1397-63-9-0002 an amount of Rs. 8,35,38,387/- including penalty is still due as of 23rd May 2023.

3. There is, therefore, no question of restraining the MCGM from proceeding for recovery of property tax dues against individuals to whom bills are issued. It will proceed in accordance with law. Indeed, we require the MCGM to proceed in accordance with law for the recovery of municipal property tax dues.

4. This will of course be against the 28 defaulting members but equally we expect that the 82-unit holders will not find themselves moving to the category of defaulting members in future. If any of the 82 who have currently paid up are found to be in default, the MCGM will proceed against them also. We say this because on 29th March 2023 on behalf of the Petitioner-Society, counsel stated on instructions that the Society had no objection if the units of 28 defaulting members are proceeded against for recovery of the property tax dues. Obviously that statement is not limited in time and must continue.

5. We require the Society to cooperate with the MCGM in providing the details including the addresses, email ids, if any, and other communication particulars of the defaulting members.

6. No further orders are required in this Petition. It is disposed of in these terms. There will be no order as to costs.

(Kamal Khata, J) **(G. S. Patel, J)**