

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

WRIT PETITION NO.3482 OF 2021

Avenue Supermarts Ltd. (D-Mart) ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

Mr. Abhishek Rastogi a/w. Ms. Aarti Nishad, Mr. Vedang Kulkarni
for the Petitioner.

Ms. Uma Palsuledesai, AGP for Respondent No.1.

Mr. N. R. Bubna for Respondent Nos.2 to 4.

CORAM : G. S. KULKARNI,
JITENDRA JAIN, J.J.

DATE : 27th JUNE, 2023.

P.C.

1. We have heard Mr. Rastogi, learned counsel for the
Petitioner, Mr. Palsuledesai, AGP for Respondent No.1 (State) and
learned counsel for Respondent Nos.2 to 4 on the present
proceedings.

2. We have also perused the impugned orders. The
contesting Respondent is Mira-Bhayandar Municipal Corporation,
and insofar as the validity of the provisions as assailed is
concerned with the State of Maharashtra. The orders impugned
are passed by the Appellate Authority of the Municipal
Corporation hence this petition was required to be filed on the

Appellate Side. The office to transfer this present proceeding on the Appellate Side of this Court. The proceedings be accordingly numbered.

3. Having heard learned counsel for the parties for some time, we are of the opinion that 50% of the demand which is towards interest and penalty has already been deposited. We are however of the opinion that the contentions of the Petitioner in the facts and circumstances of the case can be examined, provided the Petitioner deposits in this Court the balance 50% of the amount due and payable under the impugned orders. Let such deposit be made within a period of two weeks from today.

4. Stand over to **10th July 2023**, “High on Board”.

5. In the event, the Petitioner fails to deposit the amount, the petition shall stand dismissed without further reference to the Court.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]