



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1342 OF 2023

Shri Charandas Swami Sahakari Gruha Nirman Sanstha Maryadit, Thr. President Vandana M.
Jiwane, Lashkaribag, Nagpur

-vs-

Nagpur Municipal Corporation, Civil Lines, Nagpur through its Commissioner

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. F. Bhagwani, Advocate for petitioner.
Shri G. A. Kunte, Advocate for respondent.

CORAM : A. S. CHANDURKAR AND VRUSHALI V. JOSHI, JJ.
DATE : October 05, 2023

P. C.

1. Having heard the learned counsel for the parties and having perused the Demand notice dated 13/05/2022 issued by the respondent-Nagpur Municipal Corporation along with communication dated 21/03/2023 issued by the office of Town Planning Department of Nagpur Municipal Corporation, it is clear that the building plan submitted by the petitioner-Society has been approved on 05/05/2022. It is on that basis that a demand notice dated 13/05/2022 has been issued. In the said communication it is further stated that after receiving no-objection from the fire department, final sanction would be granted.

2. Since the petitioner claims exemption from paying development charges under Section 124-F of the Maharashtra Regional and Town Planning Act, 1966, we find that the remedy of challenging the demand

made under Section 124-E is available under Section 124-G of the Act of 1966. While challenging demand dated 13/05/2022 it would be open for the petitioner to contend that it is entitled for exemption under Section 124-F of the Act of 1966.

3. With liberty to the petitioner to challenge the demand notice dated 13/05/2022 and keeping all points open, the writ petition is disposed of.

4. The period from 20/01/2023 till date shall be taken into consideration as time spent in prosecuting the legal remedy.

5. No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)