



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13530 OF 2024

Bhagwan Shikshan Prasarak Mandal Through Its Secretary
Dr Rajeev Yadavrao Khedkar

VERSUS

Chh Sambhajinagar Municipal Corporation
Through Its Commissioner

- Mr. A. M. Karad, Advocate for the Petitioner
- Mr. S. S. Tope, Advocate for the Respondent

CORAM : R.M. JOSHI, J

DATE : DECEMBER 11, 2024

PER COURT :

1. With the consent of Counsels for both sides, Petition was heard finally at the stage of issuance of notice.

2. During the course of hearing, it was found that since the Appeal is pending before the learned District Court, any observations made in this Petition while deciding the same would come in way of either side while decision of First Appeal.

3. Learned Counsel for the Petitioner, on instructions, makes statement that without prejudice Petitioner is ready to deposit 25% amount of the

impugned order passed by the Appellate Court within a period of two weeks.

4. Learned Counsel for the Respondent /Corporation, on instructions, by reserving all rights of Corporation, has shown readiness to accept the said offer with a condition that amount be deposited with the Corporation itself.

5. Since the interest of the Corporation is protected at least to some extent, issuance of direction for expeditious disposal of RCA No. 130/2024 would meet ends of justice.

6. Even otherwise, since the issue involved in the said Appeal is with regard to the taxes recoverable by the Corporation, it is in the interest of Corporation to receive such amount for its utilization for providing amenities to public and also that the said Appeal is decided expeditiously.

7. It is clarified that the deposit of the amount and acceptance thereof is without prejudice to the rights and contentions of the rival parties. Learned First Appellate Court is requested to expedite the

Appeal and in any case to decide the same within a period of six months from today.

8. Since the Petition is disposed of with aforestated undertaking, the Petitioner to deposit an amount of Rs. 48,34,000/- with Corporation, as agreed, on or before 04.01.2025. Deposit be made with Corporation. Such deposit would be subject to outcome of Appeal. In case of default in the deposit of the said amount as agreed by the Petitioner, order passed by learned First Appellate Court shall stand revived.

9. In view of above, order impugned stands set aside. Petition is disposed of in above terms.

(R.M. JOSHI, J.)