

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3124 OF 2024

Pfizer Limited

.. Petitioner

Versus

Navi Mumbai Municipal Corporation

.. Respondent

-
- Mr. Girish Godbole, Senior Advocate a/w. Mr. Nirman Sharma, Ms. Snigdha Mankar i./by Jadeja and Satiya, Advocates for Petitioner.
 - Mr. Aniruddha A. Garge, Advocate for Respondent - Navi Mumbai Municipal Corporation.

.....
CORAM : MILIND N. JADHAV, J.

DATE : MARCH 04, 2024

P.C.:

1. At the outset, Mr. Godbole points out corrections to be carried out in the order dated 17.01.2024.

1.1. In line No.2 of the paragraph No.4, “**16 statutory Appeal**” be replaced with “**26 Statutory Appeals**”.

1.2. In line No.4 of paragraph No.4 “**Belapur**” be added after “**Civil Judge, Senior Division**”.

1.3. In line No.5 of paragraph No.4 the word “**statutory**” be replaced with “**Civil**”.

1.4. In line No.5 of paragraph No.4, the word “**Municipal**” be corrected as “**Civil**”.

1.5. In line No.5 of paragraph No.4, ‘**4 of 2010**’ be replaced with

‘71 of 2020 now numbered as Civil Appeal No.183 of 2023’.

1.6. The above necessary corrections are necessary and be carried out in the order dated 17.01.2024 and corrected order be uploaded afresh.

2. Heard Mr. Godbole, learned Senior Advocate for Petitioner and Mr. Garge, learned Advocate for Respondent - Navi Mumbai Municipal Corporation (for short ‘**NMMC**’)

3. Rule. By consent returnable forthwith. Mr. Garge waives service on behalf of Respondent.

4. Pursuant to the order dated 17.01.2024, the Petitioner has deposited the sum of Rs. 24,33,68,935/- on 19.01.2024, and the Respondent has removed the attachment notices pasted on the moveable and immovable properties of the Petitioner on 20.01.2024 and accordingly, the said attachment notices have been withdrawn by the Respondent. This fact has been confirmed by the Respondent in its Affidavit-in-Reply dated 23.01.2024. The said order is thus duly complied with.

5. Considering the fact that the principal issue regarding the rateable value of the premises of the Petitioner is pending before the Learned District Judge and Additional Sessions Judge, Belapur at Navi Mumbai in Civil Appeal No.71 of 2020 now renumbered as Civil Appeal No.183 of 2023, and further considering that outcome of the

said Civil Appeal will have a bearing on the decision of various Municipal Appeals indicated in Exhibit-F, page No.247 of the Writ Petition, it is directed that the hearing of the said Civil Appeal shall be expedited. If the parties propose to file any additional documents/evidence in the said Civil Appeal, they are at liberty to do so within a period of eight (8) weeks. All the rival contentions of the parties, including maintainability and merits of such application are expressly kept open to be agitated before the learned District Judge and Additional Sessions Judge, Belapur at Navi Mumbai. The learned District Judge and Additional Sessions Judge, Belapur at Navi Mumbai shall hear and decide such application/s if filed on their own merits after hearing both the parties and in accordance with law.

6. The learned District Judge and Additional Sessions Judge, Belapur at Navi Mumbai is directed to hear and decide the said Civil Appeal No.71 of 2020 now numbered as Civil Appeal No.183 of 2023 on or before 31.01.2025.

7. Till the disposal of the Civil Appeal No.71 of 2020 now numbered as Civil Appeal No.183 of 2023, and for a period of sixty (60) days thereafter, the hearing of the Municipal Appeals pending as indicated in Exhibit -F to the Writ Petition shall remain stayed.

8. The sum of Rs. 24,33,68,935/- deposited by the Petitioner in accordance with order dated 17.01.2024, shall be invested by the

Registrar, Appellate Side, of this Court in a fixed deposit in a Nationalized Bank initially for a period of 15 months earning the highest rate of interest. The said deposit would be subject to and abide by further orders as may be passed on any application moved by any of the parties in this Writ Petition.

9. Depending on the outcome of the said Civil Appeal No.71 of 2020 now numbered as Civil Appeal No.183 of 2023, parties are at liberty to apply to this Court in the present Writ Petition for appropriate directions. Such application/s, when filed shall be considered on its own merits in accordance with law.

10. All rival contentions of the parties in the pending Appeal before the learned District Judge and Additional Sessions Judge, Belapur at Navi Mumbai and the Municipal Appeals as indicated at Exhibit-F to the Writ Petition before the Civil Judge Senior Division Belapur at Navi Mumbai are expressly kept open and it is made clear that this Court has not expressed any opinion on the merits of the issue/ controversy in the said Civil Appeal and Municipal Appeals.

11. Other contentions raised by the Respondent in its Affidavit-in-Reply dated 23.01.2024 regarding the proposed action under the Maharashtra Municipal Corporations Act, 1949 (for short '**the said Act**') and the rules in Chapter VIII of the said Act, do not arise for consideration in this Writ Petition and if and when such proceedings

are initiated, all contentions of parties including contentions of Petitioner about the permissibility to initiate such proceedings, including the are maintainability thereof are kept open.

12. Rule made absolute to the aforesaid extent and the present Writ Petition is disposed of.

13. No order as to costs.

14. In view of the above, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2024.03.04
18:51:03 +0530