



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5686/2024

HARMANDAR SINGH PRATAP
SINGH MATHARU AND ORS.

..PETITIONERS

VS.

KALYAN DOMBIVILI MUNICIPAL
CORPORATION AND ANR.

..RESPONDENTS

Senior Advocate Mukesh Vashi i/b M/s. M.P. Vashi and
Associates for the Petitioners.

Adv. Sandeep D. Shinde for Respondent No.1.

CORAM : M. S. KARNIK &
KAMAL KHATA, JJ.

DATE : MAY 07, 2024

P.C.:

1. Heard learned senior advocate Shri Vashi for the petitioners and learned counsel for respondent No.1.
2. Learned counsel for respondent No.1-Corporation invited our attention to Section 406 of the Maharashtra Municipal Corporation Act, 1949 ('MMC Act' for short) and submitted that the petitioners' remedy is to file appeal under Section 406 of the MMC Act. It is further submitted that the outstanding dues are to the tune of Rs.5,00,00,000/- (Rupees Five Crore) approximately. This is

seriously disputed by the petitioners. We do not propose to go into this dispute considering that there is a remedy of an appeal under Section 406 of the MMC Act.

3. Learned senior advocate Shri Vashi, on instructions, submits that an amount of Rs.70,00,000/- (Rupees Seventy Lakh) will be deposited with respondent No.1-Corporation, without prejudice, within 6 weeks from today. In the meantime, he submits that the petitioner will resort to the remedy under Section 406 of the MMC Act by filing an appeal against the impugned order. The statement is accepted.

4. For a period of 8 weeks from today, no coercive steps be taken against the petitioners.

5. If the aforementioned appeal under Section 406 of the MMC Act is filed, the same shall be heard on its own merits and in accordance with law without being influenced by any of the observations made by us in this order.

6. All the contentions of the parties are kept open.

7. If any prayer for interim relief is made in the appeal, the same shall be decided on its own merits in accordance

with law and without being influenced by the limited protection granted hereinabove.

8. The writ petition is disposed of in the above terms.

(KAMAL KHATA, J.)

(M. S. KARNIK, J.)