

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 2961 OF 2024**

Mahavir Enterprises

... Petitioner

V/s.

State Of Maharashtra & Ors.

... Respondents

Mr. Girish Godbole, Senior Advocate a/w Adv. Devashish Godbole, Adv. Pradeep Salgar & Adv.Niharika Chandurkar for Petitioner.
Adv. A.A. Alaspurkar, A.G.P for Respondent No.1-State.
Adv. Sandeep D. Shinde for Respondent Nos. 2 to 5.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 10th January 2025.

P.C. :

1) In view of the deliberation in Court on earlier occasion, Mr. Godbole, learned senior counsel appearing for Petitioner, tendered across the bar Minutes of Order dated 10th January 2025. The said Minutes of Order are duly signed by the authorized person of the Petitioner and the Authorized person on behalf of Respondent Nos. 2 to 5. Respondent No.1 being formal party, signature of the Government Pleader on it, is not necessary. The signatures of authorized persons of respective parties are duly identified by their respective Advocates. The said Minutes of Order is taken on record and marked 'X' for identification. The Minutes of Order dated 10th January 2025,

forms part of the present Order as Annexure thereto.

2) Petition is disposed off in terms of Minutes of Order dated 10th January 2025.

3) All parties to act on the authenticated copy of this Order.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

Adv. Girish Godbole, Sr. Adv. "X"
10/01/25
By. 10/11/2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2961 OF 2024

Mahavir Enterprises

.... Petitioner

Versus

State of Maharashtra & Ors.

.... Respondent

CORAM: A.S. GADKARI AND KAMAL
KHATA JJ.

DATE: 10th JANUARY 2025

Adv. Girish Godbole, Sr. Advocate i/by Adv. Devashish Godbole a/w Adv. Pradeep Salgar a/w Adv. Niharika Chandurkar, Advocates for Petitioner.

Adv. A. A. Alaspurkar, A. G. P. (Writ Cell, A. S.) for Respondent No. 1

Adv. Sandeep Shinde, Advocate for Respondent No. 2 to 5.

MINUTES OF ORDER

1. RULE. By consent Rule made returnable forthwith. In view of the order proposed to be passed on account of consensus reached between Petitioner and the Respondent Nos. 2 to 5, they have agreed that detailed reasons need not be recorded.
2. By the present Petition, the Petitioner is seeking Writ of Certiorari in respect of impugned Orders passed during 01/04/2010 to 16/09/2013 and the impugned Judgement and Order dated 22/11/2013 passed by and notice dt.

27/03/2024 and 26/02/2025 issued the Respondent No. 3, in respect of Building No. 2 and 5 namely ***Balaji Garden Building No. 2 and Balaji Garden Building No. 5*** constructed by Petitioner at Village Ayre, Dombivli, Thane.

3. The Petitioner had earlier filed Writ Petition No. 15557 of 2022 in this Court seeking similar prayers against the same Respondents. This Court (**Coram:** A. S. Chandurkar & M. W. Chandwani, JJ), has passed Order dt. 15/02/2023 directing that no coercive steps to be taken against the Petitioner subject to Petitioner depositing the 25% amount which is indicated in the demand notices which were issued at that relevant point of time. In view of the said Order dated 15/02/2023, the Petitioner has deposited an amount of Rs. 76,83,312/- for both the Building Nos. 2 & 5 on 28/03/2023. The said amount is invested in an interest-bearing deposit.
4. Subsequently, the Writ Petition No. 15557 of 2022 came to be disposed off by the Judgment and Order dated 19/04/2023 passed by this Court (**Coram:** G. S. KULKARNI & R. N. LADDHA, JJ) with a direction to Petitioner to prefer an appropriate representation to the Respondent No. 2 Corporation agitating the said grievance. Though the said Writ Petition No. 15557 of 2022 was disposed of, the said amount of Rs. 76,83,312/- remains invested till today.
5. During the pendency of this present Writ Petition, the Respondent No. 2 has published a Public Notice dated 13/12/2024 declaring a "***Abhay Yojna*** –

2024-25” for wavier of the interest on the property tax due payable. In pursuance of the said Notice dated 13/12/2024, Balaji Garden Building No. 2 and Balaji Garden Building No. 5 have received the Notices on 22/12/2024 which is issued by the Dy. Commissioner (Taxes), Kalyan Dombivli Municipal Corporation, Kalyan which are brought on record by Additional Affidavit dated 09/01/2025.

6. According to the said Notice dated 22/12/2024, the amount of Rs. 46,07,595.87/- would be payable in respect of Balaji Garden Building No. 2 if it is paid on or before 15/01/2025. As far as Balaji Garden Building No. 5 is concerned, the Notice dated 22/12/2024 states the amount to be 45,88,941.33/- if it is paid on or before 15/01/2025. The Petitioner has decided to avail of the opportunity to settle the Tax claims by payment on or before 15/01/2025 by seeking appropriate Orders directing the amount deposited in this Hon’ble Court in earlier Writ Petition No. 15557 of 2022 to be utilised for such payment.
7. The amount of Rs.76,83,312/- deposited by the Petitioner on 28/03/2023 is invested and considering interest accrued thereon, it is stated that the same would exceed the balance payable amount Rs. 76,96,537.20/-. In additional affidavit, the Petitioner has stated that the Petitioner would not have objection for remitting the said amount of Rs. 76.96,537.20/- from out of the amount deposited by the Petitioner and the interest accrued thereon.

8. In view of the same, the Registrar (Judicial), and the Nazar (Appellate Side) of this Court, are directed to remit a sum of Rs. 76,96,537.20/- (Rupees Seventy Six Lakh Ninety Six Thousand Five Hundred and Thirty Seven and Paise Twenty Only) from the aforesaid amount deposited by the Petitioner to the Respondent No. 2 Corporation on or before 14/01/2025 to the following Bank of Respondent No. 2 preferably by Electronic Transfer or only if electronic transfer is not possible, by issuing an Account Payee Demand Draft/Pay Order in the name of "***Kalyan Dombivli Municipal Corporation***".

Bank Details:

Name of Account Holder:	Kalyan Dombivli Municipal Corporation
Bank:	Bank Of Baroda
Branch:	Shankarrao Chowk, Kalyan (W)
Account Name:	KIDMC - General Fund Account
Account No.:	99140200000133
IFSC Code:	BARB0BKYAN (Fifth character is Zero)
MICR No.:	400012285

9. In so far as any surplus remains after remitting Rs. 76,96,537.20/- from the amount deposited in this Court, Mr. Godbole seeks liberty to prefer an

appropriate application for withdrawal of the same which would be decided in accordance with law. In view of the same, the Registrar (Judicial)/Nazar, High Court (Appellate Side), Bombay are directed to deposit the remaining amount in a fresh interest bearing Fixed Deposit in accordance with the standing orders in that regard. The Petitioner is granted liberty to prefer an application for withdrawal of the same which would be decided in accordance with law.

10. Rule made absolute in the aforesaid terms with Orders as to costs.

Advocate for Petitioner


Devashish Godbole

(MAH/2507/2017)

Pradeep Salgar 

(MAH/3032/2018)


Authorised Person of Petitioner

Sunny Gada


Advocate for Respondent No. 2 to 5

Sandeep Shinde

(MAH/310/2007)


Authorised person of Respondent No.

2 to 5

Vijay Namdev Kadam

Senior Clerk

Tax Department