

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17849 OF 2024

Authum Investment & Infrastructure Ltd.
(Erstwhile, Reliance Commercial Finance Ltd) Petitioner.
V/s
Pune Municipal Corporation and Others Respondents.

Mr. Vivek Patil with Mr. Devesh Samant, Mr. Afsar Ansari, Mr. Amol Thorat and
Mr. K. Pagare i/b Mr. Vivek Patil & Associates, advocates for the petitioner.

Mr. Abhijit P. Kulkarni with Mr. Abhishek Roy, Mr. Krushna Jaybhay, Ms. Sweta
Shah, Mr. Gourav Shahane, Mr. Shreyas Zarkar, Advocates for respondent nos. 1
and 2 – Pune Municipal Corporation.

**CORAM : A.S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATE : 9TH JANUARY, 2025

PC. :

1] In this writ petition a challenge has been raised to the notice dated
27/10/2023 issued by the Deputy Commissioner, Pune Municipal
Corporation by which the petitioner has been informed that an amount of
Rs 18,12,083/- is an amount outstanding towards property tax. For that
reason, Municipal Corporation has sought to attach the said property. On
09/12/2024, the following order was passed:-

“PC.:

1. The learned counsel for the petitioner submits that the
CERSAI registration undertaken by the petitioner is on 24th
October 2018. The Pune Municipal Corporation however is
seeking to recover its dues against the aforesaid property
which was occupied by respondent nos.3 to 7. On
instructions, the learned counsel for the petitioner submits
that if the petitioner is permitted to sell the subject property,
the dues of the Pune Municipal Corporation, as indicated in
the communication dated 27th October 2023 (page 85 of the
writ petition), would be made over to the Pune Municipal

Corporation. He therefore prays that auction of the subject property be permitted.

2. For the present, issue notice to respondent nos.1 and 2, returnable on 16th December 2024. Service by all modes is permitted.”

2] Today the learned counsel for the Municipal Corporation on instructions submits that if the petitioner is permitted to sell the mortgaged property more particularly described in its notice dated 27/10/2023 on the condition that the petitioner would pay the amount of property tax due and payable for the said property, the Municipal Corporation would take necessary steps to remove its charge over the said property. We find the suggestion to be reasonable. Accordingly, the following order is passed:-

(a) The petitioner is permitted to sell the mortgaged property as described in the notice dated 27/10/2023 by way of public auction. The petitioner undertakes to incorporate necessary conditions in the auction notice by virtue of which after receiving the earnest money deposit, the outstanding amount towards the property tax would be paid to the Municipal Corporation after which the balance consideration would be received. The petitioner shall take necessary steps in accordance with the aforesaid.

(b) On receiving the amount of property tax, the Municipal Corporation shall take steps to remove the charge over the mortgaged property from the

revenue records.

3] With the aforesaid directions, the writ petition is disposed of.

4] Parties to act on the authenticated copy of this order.

[M. M. SATHAYE,, J.]

[A.S. CHANDURKAR, J.]