

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10199 of 2023**

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TOSIFBHAI GULAMNABI BHAS

Versus

STATE OF GUJARAT

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Appearance:

TORAL M RATHOD(7935) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3,4

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 18/07/2023

ORAL ORDER

1. Ms.Toral Rathod, learned advocate for the petitioner submitted that in the year 2011, the petitioner has purchased the shop through auction and as per the terms and conditions contained in the public auction, there was not a single condition, which required the municipality to demand interest on the late payment. It is submitted that clause 15 of the contract suggests only forfeiture of the deposit; however, there is not a whisper about interest on the delayed payment. It is submitted that in the year 2012, the petitioner was required to deposit the amount; however, thereafter, the petitioner made several representations, *inter alia*, pointing out that in absence of any condition in the contract, it would be impermissible to the municipality to raise the demand towards the interest. It is submitted that recently, the petitioner has received a communication dated 13.01.2023, requiring him to deposit the amount. It is submitted that it appears that some resolution has been passed by the municipality but, to the knowledge of the petitioner, no hearing was provided to the petitioner.

2. Considered the submissions. Issue notice to the respondents, returnable on **23.08.2023**.
3. Till the next date of hearing, the municipality is directed not to take any coercive steps. Direct service is permitted.

Hitesh

(SANGEETA K. VISHEN,J)