IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16544 of 2025

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CENTRAL WAREHOUSING CORPORATION
Versus
BHAVNAGAR MUNICIPAL CORPORATION & ANR.

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Appearance:
NANAVATI & CO.(7105) for the Petitioner(s) No. 1
MS SEJAL K MANDAVIA(436) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MRS. JUSTICE MAUNA M. BHATT**

Date : 03/12/2025

ORAL ORDER

1. This petition is directed against the property tax bill dated 01.10.2025 issued by Bhavnagar Municipal Corporation for the period 2013 to 2024 for the property belonging to the petitioner.

2. Heard learned advocate Mr. Maulik Nanavati for the petitioner. Learned advocate for the petitioner submitted that the petitioner herein is a Corporation established under the Warehousing Corporations Act, 1962 (for short 'the Act, 1962'). Since the petitioner is established under the Act, 1962 it cannot be said to be formed under the Government. It is an individually established entity under the Act, 1962 and therefore the appeal authority has erred in stating that the petitioner – Corporation is not an independent entity and established under the Act, 1962.

2.1 Moreover, tax bills have been raised for a prior period basis the change of classification and assessment made under changed classification, learned advocate submitted that the petitioner is regularly paying the property tax as assessed by respondent – Corporation, however, by change in classification of assessment, retrospective bill cannot be raised for a prior period. This retrospectivity is assessed on erroneous consideration of construction prior to one year of issuance of bill. Further, the petitioner being a statutory authority is paying the property tax regularly and since the challenge is made with regard to retrospective levy of property the retrospectivity may be stayed.

2.3 Learned advocate for the petitioner has relied upon the averments made in the petition at Paragraph No. 2.6 to submit that the petitioner without prejudice has deposited the property tax for the year 2024 and is continuing to pay under protest for the subsequent years too.

3. Considering the submissions, issue **Notice** returnable on **12.01.2026**. Ad-interim relief in terms of Paragraph No. 6(c) is granted till next date of hearing.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI