

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 527 OF 2017**

M/s. Jayantilal Investments .Petitioners

Vs.

The Bombay Municipal Corporation of Greater .Respondents  
Bombay & ors.

Mr. Y. R. Shah, Advocate, for the Petitioners  
Ms V. Mahadik, Advocate, for the MCGM  
Mr. D. K. Anja, Advocate, for the Respondent No. 3

**CORAM : RANJIT MORE &  
REVATI MOHITE DERE, JJ.**

**DATE : 30.11.2018**

**P.C.**

. At the outset, learned counsel for the Petitioners submits that despite the order of the Division Bench (Coram : S. A. Bobde & R. D. Dhanuka, JJ. ) dated 31.01.2012 passed in W. P. No. 300 of 2012 and the fact that the Petitioners have already cleared all the outstanding bills, again demand notices are issued to them.

2. On behalf of the Respondent - MCGM, one

Smt. Khalida A. R. Shaikh has filed an Affidavit. Paras a & b of the said Affidavit are as under :-

“ a) I say that the property tax bills are bifurcated and issued to the individual member of the Balaji Arcade Premises Co-op. Society Ltd., as per the order of this Hon'ble Court dated 31.01.2012 in Writ Petition No. 300 of 2012 w. e. f. 01.04.2015. I say that prior to bifurcation of the property tax bills, all the members of the society have declared their respective outstanding dues towards the property taxes, hence, there was no hindrance for the Corporation to issue separate bills to individual members of the society.

b) I say that only the petitioner for the premises 101 to 103 on the first floor and the occupants of ground floor premises i. e. gala nos. 6, 7, 8, 9, 13, 14 and 15 which were previously used as Bharat Co-operative Bank Ltd., have not paid their respective outstanding dues towards property taxes to the corporation. Therefore the premises at first floor and the ground floor as mentioned above are assessed under one number and bifurcated bills were not issued to them.”

3. The Affidavit-in-reply filed on behalf of the Respondent – MCGM makes it clear that premises Nos. 101 to 103 and gala Nos. 6, 7, 8, 9, 13, 14 & 15 are of the defaulting owners.

Learned counsel for the Petitioners however submits that insofar as the premise No. 101 is concerned, it belongs to the Petitioners and that all the dues are clear in respect of this premise.

4. In any case, in the light of the order referred above, MCGM is bound to issue notice on the defaulting owners, as this order is obviously not complied with.

5. Learned counsel for the MCGM seeks more time to take instructions. Time granted.

6. Stand over to 14.01.2019.

**(REVATI MOHITE DERE, J.)**

**(RANJIT MORE, J.)**