

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

WRIT PETITION NO. 527 OF 2017

M/s. Jayantilal Investments .. Petitioner.  
v/s.  
The Bombay Municipal Corporation  
of Greater Mumbai & Others .. Respondents.

Mr. Snehal Shah i/b. Y. R. Shah, for the Petitioner.  
Ms. Pooja Yadav, for Respondent-Corporation.

**CORAM: M.S.SANKLECHA, &  
A.K.MENON, JJ.  
DATE : 16<sup>th</sup> MARCH, 2017.**

**P.C:-**

This Petition under Article 226 of the Constitution of India, challenges a demand letter dated 13<sup>th</sup> January, 2017 issued by the Assistant Assessor & Collector of Respondent No.1- Corporation. The impugned communication directs the Petitioner to pay an amount in the aggregate of Rs.31.41 lakhs being the property taxes payable in respect of the subject property. Further, the impugned communication states that failure to pay the same, would result in coercive proceedings under the Act, for recovery of the same.

2 Mr. Shah, learned Counsel appearing for the Petitioner invites our attention to the order of this Court dated 31<sup>st</sup> January, 2012 passed in Writ Petition No.300 of 2012. The above Petition was also filed by the Petitioner in respect of property taxes demanded by the Corporation in respect of the subject property. This Court by its order dated 31<sup>st</sup> January,

2012, directed the Respondent-Corporation to hear the Petitioner as well as Respondent No.3 (Balaji Arcade Premises Co-op. Society Ltd.,) herein with regard to the application of Sections 209 and 209-A of the Mumbai Municipal Corporation Act to these facts and pass a reasoned order thereafter. Mr. Shah further states that though personal hearing has taken place, no order has yet been passed. Thus, the impugned notice/communication is premature.

3 Ms. Yadav, learned Counsel appearing for the Respondent-Corporation seeks two weeks time to take instructions and file affidavit in reply, if necessary. At her request, Petition is adjourned to 30<sup>th</sup> March, 2017.

4 In the meantime, there shall be ad-interim stay in terms of prayer clause (c), as the Petition is being adjourned at the instance of the Corporation.

5 **Stand over to 30<sup>th</sup> March, 2017.**

**(A.K.MENON,J.)**

**(M.S.SANKLECHA,J.)**