

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

WRIT PETITION NO.948 OF 2010

H M Holding & Anr. .. Petitioners.
Vs.
The Municipal Corporation of
Greater Bombay & Ors. .. Respondents.

Mr. Yadunath Chaudhary i/b Reena Salunkhe for the Petitioners.
Mr. A. A. Kumbhakoni, Sr. Advocate a/w Mr.T.H. Puranik and
Ashutosh Gavnekar for the Respondents.

**CORAM : MOHIT S. SHAH, C.J. &
A.K. MENON, J.**

DATED : 1 JULY 2015

P.C. :

Leave to amend. Amendment to be carried out within
one week from today.

2. Rule. To be heard along with Writ Petition no. 1251 of
2014 and other connected matters.

3. In this petition under Article 226 of the Constitution of
India the petitioners have challenged ICR dated 11.11.2008 and
communication dated 20 April 2013 issued by the respondent
Municipal Corporation. In short the petitioners have challenged the
levy/demand/collection and the lease rent and curtailment of the

lease period upon transfer of property in favour of the petitioners.

4. Our attention is invited to the order dated 5 February 2015 in Notice of motion No.173 of 2014 and other connected matters. Following the aforesaid interim orders, we grant interim relief against levy/demand/collection of enhanced lease rent.

5. By way of this interim order and subject to the petitioners making payments of the transfer premium as demanded by the Municipal Corporation, and interest at the rate of 12% per annum for the period commencing from 14 August 2012 till date of payment, we direct the Municipal Corporation to consider the pending applications of the petitioners for grant of NOC by the Estate Department and to take a decision on the pending applications for grant of Commencement certificate/Occupation certificate etc in accordance with law.

(CHIEF JUSTICE)

(A.K.MENON, J.)