

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

WRIT PETITION NO.1243 OF 2010

Omkar Realtors & Developers Pvt.Ltd.& Anr .. Petitioners
V/s
Municipal Corporation of Gr.Mumbai & Ors. .. Respondents

Mr.A.Y.Sakhare with Mr.Chirag Balsara, Mr.Vishal Kanade, Ms.Sheetal Aangane & Mr.Mohanish Chaudhari i/by Divya Shah Associates for the petitioners.

Ms.Priti Purandare for the Respondents.

**CORAM: D.K.DESHMUKH &
R.G.KETKAR, JJ.**

DATE: 26th July, 2011.

P.C.:

1. Rule. Rule is made returnable forthwith and heard finally by consent of the parties.
2. It is common ground before us that this petition is covered by the judgment of the Division Bench of this Court in Writ Petition No. 166 of 1997 and connected writ petitions (Mahendra J.Vora V/s. The Municipal Corporation of Gr.Mumbai) decided on 15.02.2001.
3. In this view of the matter therefore the notice dated 10.07.2009 in so far as it demands the amount of Rs.8,25,00,000/- from the

petitioners towards the premium, is set aside. Corporation is directed to refund that amount after adjusting any legal demand that may be due to the Corporation from the petitioners, within a period of eight weeks from today.

4. Rule is made absolute accordingly. No order as to costs.

(R.G.KETKAR, J.)

(D.K.DESHMUKH, J.)