



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

**1 EXECUTION APPLICATION NO. 1741/2022
WITH
INTERIM APPLICATION NO. 2491/2025
IN
EXECUTION APPLICATION NO. 1741/2022**

**SUNIL SHANTILAL GOSAR AND ANR
VS
YASH BUILDERS AND ANR**

**WITH
EXECUTION APPLICATION NO. 1619/2025
WITH
NOTICE NO.118/2025
IN
EXECUTION APPLICATION NO. 1619/2025**

**ARUNA MOHAN KAMATH (SINCE DECEASED)
VS
MESSERS YASH BUILDERS**

Adv. Tejas Vijaykumar Dhotre a/w. Adv. Aditya Pawar i/b. Adv. Deepali Kedar for Judgment Debtor.

Adv. Malcom Siganporia a/w. Adv. Kinjal Kakkad i/b. Adv. Jayesh R. Vyas for the Applicants/Decree Holder.

Adv. Vaishali Bhilare a/w. Adv. S. Talla, for the Respondent Nos.11 & 12

Adv. Pallavi Thakar a/w Adv. Sunil C. Khadangale i/by Adv. Komal Punjabi for the Respondent BMC.

Adv. Dhanashree Pawaskar i/by Adv. Mehul Rathod, for the Applicant/Decree Holder.

Mr. Gajanan Bellale - Assessor & Collector-BMC and Mr. Nasir Khan Dawood Khan, Assistant Assessor and Collector, M/East Ward present.

Adv. Priyanka Fadia (Thr. V.C.) for IIFL.
Mr. Paras Dedhia, Judgment debtor present

CORAM : RAJESH S. PATIL, J.

DATE : 8 DECEMBER 2025.

P.C. :

1. Mr.Siganporia, learned counsel appearing for the applicants, on instructions of the applicants submits that a sum of Rs.1,48,397/- towards property tax pertaining to the Flat No.102 in Yash Heights building at Govandi and Rs.2,87,360/- towards shop no.4 in Yash Heights building at Govandi will be paid by the applicants in M-East Ward, M.C.G.M. by 5.00 p.m., tomorrow i.e. 9 December 2025.

1.1 Statement of Mr. Sigamporia is accepted.

2. Mr. Dhotre, learned counsel for the judgment debtor (Yash Developers), on instructions of his client, who is present in court, submits that, without prejudice to his client's rights and contentions regarding Flat No. 102 and Shop No. 4 in Yash Heights building, his client will deposit a sum of Rs. 65,964/- and Rs. 1,26,420/- respective towards property taxes with the M.C.G.M., M-East Ward, within one week from today, in order to put to quietus the issue of property taxes concerning Flat No. 102 and Shop No. 4.

2.1 Statement of Mr. Dhotre on behalf of his client is accepted.

3. Ms. Thakar, learned counsel appearing on behalf of the Municipal Corporation submits that the Corporation has not prepared final calculation about property taxes pertaining to flat no.102 and shop no.4 in Yash Heights Building, Govandi. She submits that the occupier, developer/builder or owner, without prejudice to the rights and contentions of the Corporation can pay the property taxes, as the accounts is yet to be settled pertaining to the property taxes.

3.1 Statement is accepted.

4. Ms. Bhilare, appearing for the respondent nos.11 and 12 (Mr. Sahebrao Laxman Adhav & Mr. Sagar Sahebrao Adhav) submits that she has filed affidavit-in-reply by e-filing. However, she desires to file hard copy of the said reply in Department.

4.1 Registry to accept the reply of the respondent nos.11 and 12.

5. Ms. Pawaskar, learned counsel submits that Execution Application No. 1619/2025 has been wrongly tagged along with Execution Application No.1741/2022. She submits that on 3 November 2025, the said fact was clarified that Execution Application No.1619/2025 was disposed of.

5.1 Registry is directed not to show Execution Application

No.1619/2025 along with Execution Application NO.1741/2022.

5.2 On request being made by Ms. Pawaskar, Notice No.118/2025 in Execution Application No.1619/2025 is hereby disposed of.

6. Ms. Thakar, learned counsel for the Corporation on instructions of the Corporation Officer from the Assessment Department submits that there was an attachment on the property for non-payment of the property tax. The said attachment was lifted pursuant to the assessment of the building which was carried later after the building structure was built up on the subject land.

6.1 The said statement is accepted.

6.2 Ms. Thakar, learned counsel for the Corporation also tendered affidavit dated 5 December 2025 on behalf of the respondent nos.1 to 3. The said affidavit is taken on record.

7. Stand over to **15 December 2025, at 3.00 p.m.**

8. To be listed under the caption **“For Directions”**.

(Rajesh S. Patil, J.)