

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2730/2010

(BHARTI AIRTEL LIMITED VERSUS AMRAVATI MUNICIPAL CORPORATION & ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Jaiswal, counsel for the petitioner.
Shri M.K. Pathan, counsel for the R-1.
Shri P.D. Kothari, A.G.P. for the R-2.

**CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.**

DATE : JULY 20, 2011.

Heard the learned counsel for the parties.

It is brought to the notice of this Court by the learned counsel for the petitioner that the issue involved in this case is also involved in Writ Petition No.2822 of 2008 and 1547/2006. The learned counsel for the petitioner states that Rule has been issued by this Court in the two writ petitions filed by the petitioner and this Court has also granted an interim relief in terms of the order passed by this Court on 05.05.2005 in Writ Petition No.2107/2005. It is necessary to pass a similar order in this case also.

Hence, **RULE.**

Learned counsel Shri Pathan waives notice of hearing on behalf of respondent no.1.

Shri Kothari, the learned Assistant Government Pleader, waives notice of hearing on behalf of respondent no.2.

To be heard along with Writ Petition No.2822/2008 and 1547/2006.

During the pendency of the writ petition, the respondent-Corporation would only assess Octroi on the Scratch Cards/Recharge Cards brought into Municipal Limits by the petitioner for sale on the basis of Invoices-Cum-Delivery Challans for distribution to their customers.

Since this is an interim order, we direct the petitioner to file an undertaking in this Court that the petitioner should make good the loss if ultimately the petition fails along with interest as chargeable under the Bombay Provincial Municipal Corporations Act, 1949 and Rules framed thereunder or at the lending rate of the Commercial Bank.

The undertaking shall be furnished within a period of two weeks.

JUDGE

JUDGE

APTE