

#ITEM NO.63

COURT NO.14

SECTION IIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16615/2010

(From the judgement and order dated 07/05/2010 in WP No. 3031/2010 of
The HIGH COURT OF BOMBAY)

BOARD OF TRUSTEES.OF J.N.P.TRUST Petitioner(s)

VERSUS

SARPANCH,GRAM PANCHAYAT & ORS. Respondent(s)

(With appln(s) for permission to place addl. documents on record and
prayer for interim relief)

Date: 18/10/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ajay Sharma,Adv.

For Respondent(s) Dr. Rajeev B. Masodkar, Adv.
Mr. S.R. Setia,Adv.
Ms. Asha Gopalan Nair ,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the Signed Order.

(RAJNI MUKHI)
P.A.

(RENU DIWAN)
COURT MASTER

(The signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9178 OF 2010
(arising out of SLP (C) No.16615/2010)

BOARD OF TRUSTEES.OF J.N.P.TRUST

APPELLANT

VERSUS

SARPANCH,GRAM PANCHAYAT & ORS.

RESPONDENTS

O R D E R

Leave granted.

Heard learned counsel for the parties on this appeal
which is filed by the appellatant challenging the legality

of the order passed by the Bombay High Court on 7 th May, 2010. Certain directions were issued by the High Court in the said order as against which this appeal has been filed. During the course of hearing we have been informed that subsequent to passing of the order by the High Court, the Standing Committee of the Zilla Parishad has considered and decided the liability of payment of property tax by the appellant which matter is now under challenge before the appellate authority. In view of the aforesaid position and the subsequent development in this matter, we direct that the appellant shall deposit 20% of the amount, excluding interest, demanded as dues from the appellant within 8 weeks from today with Zilla Parishad. On deposit of the aforesaid amount, which shall be without prejudice to the rights and contentions of the appellant before authorities, the appeal pending before the appellate authority shall be heard as expeditiously as

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possible preferably within a period of six months from the date of receipt of the copies of this order. It is also made clear that on the deposit of the amount by the appellant in terms of this order the appeal shall be heard and if the amount is not paid in terms of this order the appeal shall stand dismissed.

It is also made clear that in case it is finally held that the appellant is not liable to pay the property tax and their contentions are upheld, the amount deposited by the appellant shall be returned to the appellant with interest at the rate of 9% per annum. In terms of the aforesaid order this appeal is disposed of.

We also record the statement of the counsel appearing for the respondent that for the next 8 weeks the respondent would not take any coercive steps against the appellant and that if the aforesaid amount is deposited in terms of the order, no further coercive steps would be taken by the respondent till the disposal of the appeal by the appellate authority.

.....J
(Dr.MUKUNDAKAM SHARMA)

.....J
(ANIL R. DAVE)

October 18, 2010
New Delhi