

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).12046/2006

(From the judgement and order dated 27/03/2006 in AN No. 801/2004 in WP No. 2120/2004 of the HIGH COURT OF BOMBAY)

DALAMAL TOWER PREMISES COOP.STY.LTD.&ANR

Petitioner(s)

VERSUS

MUNICIPAL CORPN.OF BRIHANMUMBAI & ORS.

Respondent(s)

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

office report)

Date: 11/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. F.S. Nariman, Sr.Adv.

Mr. R.F. Nariman, Sr.Adv.

Mr. Gopal Jain, Adv.

Mr. R.N. Karanjawala, Adv.

Ms. Nandini Gore, Adv.

Ms. Pragya Singh Baghel, Adv.

Mr. Suresh Chandani, Adv.

Mrs. Manik Karanjawala,Adv.

For Respondent(s) Mr. K.K.Singhvi, Sr.Adv.

Mr. S.H. Ujjainwala, Adv.

Mr. D.N. Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The recovery on the basis of revised enhanced assessment from the appellants is

stayed subject to the condition that besides the undisputed amount, the appellants also

deposit with the respondent-Corporation fifty per cent of the difference between the

assessment and the revised enhanced assessment within a period of six weeks and also give

an undertaking that in case the appeal is dismissed and revised assessment is upheld, the

balance amount would be paid with interest at the rate of 6-1/4%. Likewise, the Principal

Assessor and Collector, on behalf of the Commissioner and the Corporation, will file an

undertaking that in case the appeals are allowed and revised assessment is set aside, fifty

per cent of the payment made on the basis of the revised assessment would be refunded to

the appellants with the same rate of interest i.e. 6-1/4%.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Asstt. Registrar