

Sharayu.

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

WRIT PETITION NO. 2375 OF 2016

WITH

WRIT PETITION NO. 1629 OF 2017

WITH

WRIT PETITION NO. 2087 OF 2017

**Central Mumbai Developers Welfare
Association & Anr.**

...Petitioners

Versus

**Municipal Corporation of Greater
Mumbai & Ors.**

...Respondents

Mr. Milind Sathe, Senior Counsel, a/w Mr. Sanjay Kadam, Ms. Apeksha Sharma, Mr. Sanjeev Kadam, Ms. Sayalee Rajpurkar, i/b Kadam & Co., for the Petitioners.

Mr. Subit Chakraborti, i/b Vidhi Partners, for the Petitioner in WP/2087/17.

Ms. G.R. Shastri, Addl. G.P., for the Respondent No. 4 in WP/2375/16.

Mr. S.B. Gore, AGP, for Respondent No. 4 in WP/1629/17.

Mr. S.S. Pakale, a/w Ms. Vandana Mahadik & Ms. K.H. Mastakar, for MCGM.

Mr. V.P. Sawant, for Respondent No. 5 in WP/2087/17.

Mr. Rishi Jha, i/b Mr. Markand Gandhi & co., for the Respondent No. 6.

**CORAM : SMT. VASANTI A NAIK AND
RIYAZ I. CHAGLA, JJ.**

DATE : 6 October 2017

ORDER :

Issue notice to the respondents returnable after six weeks.

Learned Counsel Ms. Mahadik waives notice on behalf of the respondent-corporation.

Learned Additional Government Pleader Ms. Shastri waives notice on behalf of the State Government.

Shri. Sathe, the learned Senior Counsel for the petitioners states that the questions involved in this Petition are similar to the questions involved in writ petition (L) No. 1262 of 2017 and some of the questions are similar to the questions involved in the writ petition No. 1629 of 2017. It is stated that in those writ petitions, this Court has granted *ad-interim* relief and on parity it would be necessary to grant an *ad-interim* relief in this petition also.

We have perused writ petition (L) No. 1262 of 2017

and the present writ petitions. The facts and circumstances involved in the said writ petition and the present writ petitions appear to be similar. So also, the prayer clauses in the said writ petitions and the present writ petition are also similar.

Hence, on parity we pass the following order:-

- (i) By way of *ad-interim* relief, we direct the petitioners to pay the municipal property taxes at the pre-amended rates and also the additional taxes at the rate of 50 percent of the differential tax between the tax payable under the old regime and now payable on the basis of capital value of the property.
- (ii) The petitioners will pay such amount and the Municipal Corporation shall accept the amount without prejudice to the rights and contentions of the parties.
- (iii) The amount shall be deposited within two weeks from today.
- (iv) For computing such amount, the petitioner shall be entitled to the credit of any amount that is already deposited with the Corporation in respect of the subject matter.

To be heard along with the writ petition No. 2592 of

2013, writ petition No. 1629 of 2017 and writ petition (L) No. 1262 of 2017.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]

