

ITEM NO.30

COURT NO.9

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16197/2011

(From the judgement and order dated 15/02/2011 in WP No.2370/2006 of the HIGH COURT OF BOMBAY)

MUNICIPAL CORP OF GREATER BOMBAY & ORS.

Petitioner(s)

VERSUS

MAHARASHTRA CHAMBER OF HNG.INDUSTRY &ORS

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment, and prayer for interim relief)

WITH

SLP(C) NO. 16636 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment, prayer for interim relief and office report)

SLP(C) NO. 16709 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment, prayer for interim relief and office report)

SLP(C) NO. 16713 of 2011

(With appln(s) for exemption from filing c/c of the impugned judgment, prayer for interim relief and office report)

Date: 12/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr. Goolam E. Vahanvati, Attorney General
Mr. S. Sukumaran, Adv.
Mr. R.A. Malandkar, Adv.
Mr. Anand Sukumar, Adv.
Mr. Bhupesh Kr. Pathak, Adv.
Mrs. Meera Mathur, Adv.
Mr. A.V. Patel, Adv.

For Respondent(s)

Dr. A.M. Singhvi, Sr. Adv.
Mr. Milind Sathe, Sr. Adv.
Mr. Ranjit Shetty, Adv.
Ms. Hemlata Jain, Adv.
Mr. R.N. Karanjawala, Adv.

.....2/-

□

: 2 :

Mr. Manik Karanjawala, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
for M/s. Karanjawala & Co.

Mr. Mukul Rohatgi, Sr. Adv.

Ms. Indu Malhotra, Sr. Adv.
Ms. Yasmin Bhansali, Adv.
Mr. Kush Chatur Bedi, Adv.
Mr. C. Chandra, Adv.
for Ms. Liz Mathew, Adv.

Mr. Chirag M. Shroff, Adv.
Mr. Isaan Madaan, Adv.
Ms. Mahima C. Shroff, Adv.s

UPON hearing counsel the Court made the following

O R D E R

SLP (C) No. 16197/2011

In course of hearing, Mr. Milind Sathe, senior advocate appearing for the respondents Maharashtra Chamber of Housing Industry and others, stated that the respondents would confine their relief before the High Court to prayer clause at para 24(c)(i), which reads as under:

"i) to forthwith cancel and/or withdraw the impugned demand contained in the letter dated 26.3.2004 & 4.4.06 issued against the Petitioner No.2 & 4 respectively and demand is made against all members of Petitioner No.1 to whom similar demand is made in cases of leases which do not provide for consent from the Respondent No.2"

In view of the statement made by Mr. Sathe, it is clarified that the judgment of the Bombay High Court shall remain confined to the aforesaid prayer made on behalf of the writ petitioners 2 and 4 only.

It will be open to the other members of Maharashtra Chamber of Housing Industry (writ petitioner No.1) to seek their respective reliefs, as may be admissible in law.

.....3/-

□

: 3 :

The special leave petition is disposed of with the aforesaid observation and direction.

SLP (C) No. 16713 of 2011

In course of hearing, Dr. A.M. Singhvi, senior advocate appearing for the respondents Novel Properties Pvt. Ltd. and another submitted that the relief claimed by the respondents (writ petitioners before the High Court) would remain confined to the quashing of the demand notice No. AC/Estates/9212/LB-III of September 01, 2009 issued by the Municipal Corporation of Greater Mumbai (petitioner before this Court and respondent No.4 before the High Court).

It is clarified that the High Court judgment shall remain confined to the quashing of the demand of premium for the assignment(s) made in favour of the writ petitioners (respondents herein).

The special leave petition stands disposed of with the aforesaid observation and direction.

SLP (C) No. 16636 of 2011

Mr. Milind Sathe, senior advocate appearing for the respondents, states that the demand of the writ petitioners would remain confined to prayer clause (b)(i), which is as under:

"i) to forthwith cancel and/or withdraw the impugned demand contained in letter dated 22nd February 1996 for Rs.1,64,070/- being Exhibit 'Y' hereto;"

It is clarified that the High Court judgment shall remain confined to the quashing of the aforesaid demand letter.

.....4/-

□ : 4 :

In case payments have been realized in pursuance of the impugned demand notices, which now stand quashed by the High Court, petitioner No.1 Municipal Corporation of Greater Mumbai shall refund the amounts realized without any delay and preferably within eight weeks from today.

It will be open to the respondents to pursue their other reliefs before the Corporation, in accordance with law.

The special leave petition stands disposed of with the aforesaid observation and direction.

SLP (C) No. 16709 of 2011

Mr. Chirag M. Shroff, advocate appearing for the respondent, states that the demand of the writ petitioner (respondent) would remain confined to prayer clause (A), which is as under:

"(A) That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate Writ direction or order under Article 226 of the Constitution of India, 1950, quashing and setting aside the Order bearing No.AC/Estate/18362/LB-IV of 22nd January 2010 passed by the Asstt. Commissioner Estate viz. the Respondent No.2 herein for and on behalf of Respondent No.1 Corporation."

It is clarified that the High Court judgment shall remain confined to the quashing of the aforesaid demand order.

The special leave petition stands disposed of with the aforesaid observation and direction.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master

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