

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLN. NO. 21 OF 2007

Municipal Corporation of the City of

Pune. ..Petitioner

Vs.

Mr. Babulal Chiranjilal ..Respondent

Mr. Pethe for Mr. R.G.Ketkar for the petitioner.

Mr. Aniruddha Pratinidhi for Respondent.

CORAM: A.M.KHANWILKAR, J.

DATE : 31st January, 2007.

P.C.

1. Heard Counsel for the parties.

2. No fault can be found with the approach of the lower Court that the order of assessment which assumed the fair market rent of the premises of the year 1992 was inappropriate having regard to the fact that the construction of the building was completed as far back as in 1978. The fact that the Municipal Authorities had not assessed the building from 1978, cannot authorise the Municipality to assume fair market rent of the year on which it proceeds to issue notice preceding the order of assessment.

3. Counsel for the petitioner argued that there is no provision in the Act which would prohibit the Corporation to assume the fair market rent as on the date of issuance of the notice preceding the order of assessment. Merely because there is no express provision prohibiting the Corporation to make such assessment that would not be enough to get over the reason adopted by the lower Court which is consistent with the doctrine of justness and reasonableness.

4. The approach adopted by the lower Court, in my opinion, is unexceptional. No case for revision is made out. C.R.A. is dismissed.

(A.M.KHANWILKAR,J.)