

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).16484/2010

(From the judgement and order dated 12/05/2010 in WP No.  
853/2010 of The HIGH COURT OF BOMBAY)

PEPSICO INDIA HOLDINGS P.LTD.

Petitioner(s)

VERSUS

THANE MUNL.CORP.&amp; ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned  
Judgment, exemption from filing O.T. and placing additional facts  
and documents on record and with prayer for interim relief)

Date: 31/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C.K. PRASAD  
(VACATION BENCH)For Petitioner(s) Mr. Rajeev Kr. Virmani, Sr. Adv.  
Mr. Dheeraj Nair, Adv.  
Mr. Mohit Kr. Bhakshi, Adv.  
Mr. Rajiv, Adv.

For Respondent(s)

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

This petition is directed against order dated 12.5.2010 passed by the Division Bench of Bombay High Court declining to entertain writ petition filed by the petitioner against the demand of octroi.

Shri Rajiv Kr. Virmani, learned senior counsel appearing for the petitioner made strenuous efforts to convince us that the High Court has committed an error by refusing to entertain the writ petition despite the fact that demand notice was issued by the functionaries of

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respondent no.1 in gross violation of the rules of natural justice, but we have not felt convinced.

In our view, in the facts and circumstances of the case, the High Court was justified in taking the view that the alternative remedy available to the

petitioner under the Bombay Provincial Municipal Corporation Act, 1949, is an effective alternative remedy.

The special leave petition is, accordingly, dismissed.

However, we reiterate that the petitioner shall be free to avail the statutory remedy available to it under the Bombay Provincial Municipal Corporation Act, 1949. The petitioner shall also be free to make an application before the Appellate/Revisional Authority for grant of interim relief. If such an application is made, the concerned Authority shall decide the same in accordance with law.

(Neetu Khajuria)  
Sr.P.A.

(Phoolan Wati Arora)  
Court Master