

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4119-4120 OF 2013
(SPECIAL LEAVE PETITION(CIVIL)NOS.34282-34283 OF 2012)

M/S.ABHAYANANDA ASSOCIATES

APPELLANT

VERSUS

THE AUTHORISED OFFICER & ANR.

RESPONDENTS

O R D E R

1. Leave granted.
2. These appeals, by special leave, are directed against the judgment and order passed by the High Court of Karnataka at Bangalore in Writ Appeal No. 4856 of 2011 and Writ Appeal No. 5359 of 2012, dated 13.09.2012. By the impugned judgment and order, the High Court had dismissed the appeals filed by the auction purchaser questioning the demands raised by the Corporation of City of Mangalore for payment of the property tax.
3. Before this Court, the appellant-company has given an undertaking that the company would deposit the property tax of Rs.20 lacs as demanded by the Corporation. In view of that, this Court had issued notice to the respondents. The appellant-Company has now deposited a sum of Rs. 20 lacs in the State Bank of Travancore.
4. When the matters were taken up for hearing, learned counsel for the appellant-company had submitted that he is ready and willing to deposit the entire auction amount to the respondent-bank and would further undertake to pay any other

liability such as property tax, etc. for the immovable property in question. The appellant-company has now filed an affidavit of undertaking before this Court categorically stating therein that the company would undertake to pay the property tax, etc. as and when it is due from the respondent-bank. The affidavit of undertaking filed by the appellant-company dated, 14.03.2013, is taken on record and the same would be made the part of the Decree.

5. In view of the affidavit of Undertaking given by the appellant-company, we are of the view that the judgment and order passed by the High Court requires to be modified. Accordingly, while disposing of these appeals, we direct the appellant-company to pay the amount(s) due to the respondent-bank as on the date of the auction. On such payment, the bank is directed to issue an appropriate sale certificate to the appellant-company.

6. We further direct that the appellant-company is also liable for all other payments towards the property in question as and when the demands are raised by the Corporation of City of Mangalore and/or any other authorities.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI;
APRIL 26, 2013