

(2017) 02 DEL CK 0336

In the Delhi High Court

Case No : 1344 of 2017 & CMs 6128-29 of 2017

RAVINDER PARKASH PUNJ

APPELLANT

Vs

THE NEW DELHI MUNICIPAL COUNCIL & ORS

RESPONDENT

Date of Decision : 17-02-2017

Acts Referred:

New Delhi Municipal Council Act, 1994, Section 115, Section 116, Section 117

Citation : (2017) 02 DEL CK 0336

Hon'ble Judges : Hima Kohli

Bench : SINGLE BENCH

Advocate : Anoop Bhambani, Raman Gandhi, Arjun Mitra

Judgement

1. The present petition has been filed by the petitioner praying inter alia for quashing and setting aside the assessment order dated 12.5.2016 whereunder, the existing rateable value in respect of property bearing No.10, Prithvi Raj Road, New Delhi has been assessed at a new rateable value for the period w.e.f. 2004-2005 till 2015-2016.

2. In view of the fact that the statute provides for an alternate efficacious remedy of filing an appeal before the learned Additional District Judge, as contemplated under Section 115 of the New Delhi Municipal Council Act, 1994 (in short "the Act"), this court is of the opinion that the petitioner ought to first approach the said forum for appropriate relief.

3. Mr. Bhambani, learned Senior Advocate appearing for the petitioner states on instructions, that the petitioner shall approach the Appellate Authority under Section 115 of the Act and request the said court to permit him to deposit the property tax payable for one assessment year for laying a challenge to the impugned order dated 12.5.2016 whereunder, the rateable value in respect of the subject property has been revised at one go, for several years. Such a request, if made, shall be considered by the appellate authority and a decision

taken in accordance with law.

4. Counsel for the respondent No.1/NDMC, who appears on advance copy, states that if the petitioner files an appeal against the assessment order, then the respondent/NDMC reserves its right to challenge its maintainability on the ground of delay, under Sections 116 & 117 of the Act.

5. The present petition is accordingly disposed of, along with the pending applications, with liberty granted to the petitioner to invoke the provisions of Section 115 of the NDMC Act.