

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **Writ Petition (Civil) No.11987/2009**

% **Date of Decision: 25.09.2009**

Khadi and Village Industries Commission ..... Petitioner  
Through Mr.G.K.Srivastava, Advocate

Versus

New Delhi Municipal Council ..... Respondent  
Through Ms.Madhu TewatiaSangeeta Chandra,  
Advocate

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KUMAR**

- |    |                                                                       |     |
|----|-----------------------------------------------------------------------|-----|
| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not?                                | NO  |
| 3. | Whether the judgment should be reported in the Digest?                | NO  |

**ANIL KUMAR, J. (ORAL)**

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The grievance of the petitioner is that it is a statutory body created under the Khadi and Village Industries Commission Act, 1956. The functions of the commission are defined under Section 15 of the said Act. Learned counsel for the petitioner contends that the petitioner is entitled for exemption from paying property tax under the NDMC Act, 1994, however, the exemption has been denied by a cryptic order that the petitioner does not qualify for exemption from payment of property tax by order dated 22<sup>nd</sup> July, 2009 without giving any reason.

Issue show cause notice to the respondent. Ms. Madhu Tewatia accepts notice on behalf of the respondent and contends that the order

be set aside and the matter be remanded back to New Delhi Municipal Council for fresh adjudication after giving reasonable opportunity to the petitioner. The learned counsel also contended that the reason as to why the petitioner is not entitled for exemption from property tax under Section 62 of NDMC Act, 1994 shall be given.

In the circumstances the assessment order dated 22<sup>nd</sup> July, 2009 and the demand raised consequent thereto by letter dated 2<sup>nd</sup> February, 2009 are set aside and the matter is remanded to respondent council for fresh adjudication with the reasons as to why the petitioner shall not be entitled for exemption under Section 62 of NDMC Act, 1994 from payment of property tax.

The respondents shall consider the objections and the documents and material produced by the petitioner. The petitioner shall be entitled to produce additional documents and material in support of his contentions that the petitioner commission is exempted from payment of property tax under Section 62. The petitioner shall be entitled to file objections/additional objections with supporting documents within four weeks. The petitioner shall appear before the Assessing Authority, Director (Taxes) on 10<sup>th</sup> November, 2009 at 11.00 A.M.

With these directions the petition is disposed of. Parties are left to bear their own costs.

Dasti.

**September 25, 2009**  
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**ANIL KUMAR, J.**