

Court No. - 3

Case :- WRIT - C No. - 10322 of 2023

Petitioner :- Smt. Shashi Gupta Thru. Special Power Of Attorney Sri Vipul Gupta Adv. And Another

Respondent :- Nagar Nigam Lko. Thru. Municipal Commissioner Lko. And Others

Counsel for Petitioner :- Pritish Kumar, Amal Rastogi

Counsel for Respondent :- Namit Sharma

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard learned counsel for petitioner and Sri Namit Sharma, learned counsel for respondents Nagar Nigam.
2. Petitioner has approached this Court challenging the undated recovery certificate for the house tax of Rs.87,354/- bearing House ID No.9157H74156 which is issued on the basis of show cause notice dated 15.09.2023.
3. Learned counsel for petitioner states that the house tax is assessed with retrospective effect from 01.07.2015 which could not have been done and in fact the detailed objections filed by petitioner are also not considered.
4. Learned counsel for respondent Nagar Nigam opposes the said submission and states that along with objections detailed documents were not filed. Despite that opportunity of hearing was provided to the petitioner.
5. Learned counsel for petitioner submits that in case documents were desired by the authority it was incumbent upon it to call the same from the petitioner.
6. Looking into the aforesaid facts and circumstances of the case, it is provided that petitioner shall submit his fresh objections before respondent no.2 Zonal Officer, Zone-8, Nagar Nigam, Lucknow within a period of two weeks from today along with all the documents in support of his objections and a certified copy of this order.

7. In case respondent no.2 requires any further documents, petitioner shall provide the same forthwith and fully cooperate in the process. Respondent no.2 shall give personal opportunity of hearing to the petitioner before passing the final order and he shall decide the matter by a reasoned and speaking order as expeditiously as possible. Any demand against the petitioner shall be subject to final order passed by respondent no.2.

8. With the aforesaid, the writ petition is allowed.

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[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 24.11.2023

S. Kumar