IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 22192-2012
Date of Decision:09.02.2015

M/s Indiabulls Housing Finance Limited
... Petitioner(s)

Versus

Municipal Corporation, Ludhiana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

1) Whether Reporters of the local papers may be allowed to see the judgment ?.
2) To be referred to the Reporters or not ?.
3) Whether the judgment should be reported in the Digest ?

Present: Mr. R.S.Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate,
for the petitioner.

Mr. Charanbir Singh, Advocate,
for the respondents.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the demand notice (Annexure P-4) issued by the respondents under Section 137 of the Punjab Municipal Corporation Act, 1976, directing the petitioner-company to deposit an amount of ₹ 23,16,640/- within three days of receipt thereof, on account of house-tax for the years 2011-12 and 2012-13, in respect of property bearing No.XIX 112/A/1 (Account No.9607), situated on Mall Road, Ludhiana.

It is averred in the petition that the aforesaid property was mortgaged with the petitioner being a financial institution and possession was taken over under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner moved representation (Annexure P-6) before the Commissioner, Municipal Corporation, Ludhiana for review and reconsidering house tax demand, but the same has not been decided and is still pending.

I have heard learned counsel for the parties and perused the record.

Learned senior counsel for the petitioner confines his prayer to the extent that representation (Annexure P-6) may be decided.

The fact remains that assessment qua property in question has already become final and only in the shape of demand notice, recovery of amount is due. Since it is the case of the petitioner that it has come into possession over the aforesaid property in view of provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, its rights are adversely effected and ultimately it will be sufferer with regard to the amount which is to be paid as house-tax. It is candidly admitted by the petitioner that house-tax in view of Section 100 of the Punjab Municipal Corporation Act, 1976 (in short, 'the 1976 Act') is first charge but it is prayed that the petitioner may still move an application keeping in view the circumstances of the case for reconsidering the assessment from the date when the petitioner has come into possession in view of Section 103 of the 1976 Act for which the Commissioner is competent authority.

In view of above, the instant petition is disposed of with liberty to the petitioner to move appropriate application in view of the circumstances narrated in the present petition for revision/amendment of assessment already made. In case such an application/petition is moved before the Commissioner, the same shall be decided within three months from the date of its receipt. The petitioner will also be at liberty to raise all the possible grounds available with it.

09.02.2015 **(Paramjeet Singh)**
parveen kumar **Judge**