

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 7617 of 2015
Date of decision : 8.10.2015**

Pankaj Jain

.....Petitioner

v.

State of Haryana and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. S.K. Yadav, Advocate, for the petitioner

Mr. Aditya Jain, Advocate, for the respondents

Ajay Kumar Mittal, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking quashing of the Property Tax Notice for the years 2010-11 to 2013-14 dated 22.1.2015 (Annexure P-12) and Property Tax Bill No. 6830 dated 8.8.2011 (Annexure P-3). Further prayer has been made for issuance of a writ of mandamus to the respondents for not enforcing the recovery of tax without determining the refund and additionally making account for wrongly withheld ₹ 1,25,000/-.

2. Learned counsel for the Municipal Corporation, Gurgaon has produced a copy of the communication No. MCG/DA/2015/5112 dated 7.10.2015 along with cheque No. 177020 dated 6.10.2015 for ₹ 30,262/- as according to respondent No.2, the said amount has been deposited in excess by the petitioner. The cheque in original has been handed over to learned counsel for the petitioner and photocopy of the same is retained on record.

3. Learned counsel for the petitioner states that cheque amount of ₹ 30262/- is being accepted without prejudice to the rights of the petitioner to further amount payable by the Municipal Corporation, Gurgaon.

4. In view of the above while disposing of this writ petition, we grant liberty to the petitioner to file a detailed and comprehensive representation claiming refund, if any, payable by respondent No.2, within one month from the date of receipt of certified copy of this order.

5. In case such representation is filed by the petitioner within the stipulated period, the same shall be decided by respondent No.2 in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within one month from its filing. It is further directed that in case the petitioner is found entitled to the amount, the same shall be released to him in accordance with law within next two weeks.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

8.10.2015
Ashwani