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

+ W.P.(C) 2017/2016

HOTEL SURYAA

..... Petitioner

Through: Ms. Mansi Chadha, Adv.

versus

GOVT. OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Gautam Narayan with Mr. R.A. Iyer
and Ms. Shruthi Parasa, Advs. for R-1/applicant
Mr. Ashutosh with Mr. Nikhil Goel, Advs. for
SDMC

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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13.05.2016

CM Appl. 17927/2016

Exemption allowed, subject to just exceptions.

CM Appl. 17926/2016

The present application has been filed for clarification/modification of the order dated 09th March, 2016 under Sections 151 and 152 of the Code of Civil Procedure.

Learned counsel for the applicant states that on 09th March, 2016, the applicant had sought four months time to constitute a Committee under Section 116 of the Delhi Municipal Corporation (Amendment) Act, 2003. He, however, states that due to a typographical error, instead of the period of four months, the period of

four weeks has been mentioned.

Issue notice. Ms. Mansi Chadha, learned counsel for the petitioner/non-applicant accepts notice. She states that she has no objection to the present application being allowed.

Consequently, the present application is allowed and the order dated 09th March, 2016 shall now read as under:-

Present writ petition has been filed with the following prayers:-

i). to issue a Writ of mandamus or any other issue directing Respondent No.1, Govt. of N.C.T. to appoint Municipal Valuation Committee and same to consider, revise categorization of property of Petitioner in the area and abounding colonies, new friends colony, Sarai Juliana, Taimoor Nagar, Bharat Nagar, Zakir Nagar, Zakir Bagh etc. area from 'A' to 'G'.

ii). issue a direction to Municipal Valuation Committee so appointed to recommend its decisions after hearing the Petitioner with regard to lowering its category from 'A' to other lower category with regard to the area in which the Petitioner Hotel is situated.

iii). to issue a Writ of mandamus to Respondent No.2, South Delhi Municipal Corporation to consider the recommendations so forwarded by the Municipal Valuation Committee.

iv). to issue any other appropriate Writ or Writs under these circumstances against Respondents.

A perusal of the file reveals that the petitioner has made a representation dated 17th March, 2015 to respondent No.2 for revision of categorisation of petitioner's hotel.

Learned senior counsel for petitioner states that no Municipal Valuation Committee has been formed by respondent No.1 for the period 2013 to 2016.

Learned counsel for respondent no.1/GNCTD states on instructions that the said Committee shall be constituted within a period of four months. The statement made by learned counsel for respondent no.1/GNCTD is accepted by this Court and the respondent no.1/GNCTD is held bound by the same.

As and when the Committee is constituted, it is directed to deal with the petitioner's application in accordance with law.

This Court however clarifies that it has not expressed any opinion on the merits of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

**MAY 13, 2016
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