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

+ W.P.(C) No.8648/2011

RAGHBIR SINGH

..... Petitioner

Through: Ms. Dezy Gaur, Adv.

versus

NDMC

..... Respondent

Through: Mr. Arjun Mitra and Mr. Abhishek
Misra, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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02.03.2016

1. This order is in continuation of yesterday's order.
2. The petition impugns the order dated 12th July, 2011 of the Additional District Judge (ADJ)-03 (C): Delhi acting as an Appellate Authority under Section 115 of the New Delhi Municipal Council Act, 1994 of dismissal of HTA No.426/02 (Unique ID No.02401C0088452002) preferred by the petitioner impugning the levy dated 8th August, 2002 with respect to the year 2002-2003 in respect of Flat No.GF-001, Adishwar Apartments, Ferozshah Road, New Delhi.
3. The counsel for the petitioner states that the petitioner is in self occupation of the flat aforesaid but the learned ADJ has upheld the assessment thereof on comparable rent basis when as per the judgments in (i) *Dr. Balbir Singh Vs. MCD* AIR 1985 SC 339; (ii) *Delhi Paints & Chemicals Vs. New Delhi Municipal Committee* 1993 Rajdhani Law Reporter 436 (DB); and, (iii) *Chemical Sales Corporation Vs. New Delhi Municipal Committee* 64 (1996) DLT 160 (DB) it should have been assessed on the cost basis and in accordance with Section 6 of the Delhi

Rent Control Act, 1958.

4. As recorded in yesterday's order, Supreme Court vide judgment dated 3rd February, 2016 in Civil Appeal No.2772/2009 titled ***State Trading Corporation India Ltd. Vs. New Delhi Municipal Council*** MANU/SC/0142/2016: 2016 (2) SCALE 267 has held that owing to the provision of standard rent under the Rent Act having been struck down by the Division Bench in ***Raghunandan Saran Ashok Saran (HUF) Vs. Union of India*** 95 (2002) DLT 508 (pronounced on 18th January, 2002), the assessment of rateable value cannot be on the basis of treating the standard rent to be reasonable rent and has to be in accordance with the NDMC Act.

5. Thus the judgments cited by the counsel for the petitioner are of no avail.

6. In this view of the matter, there is no merit in the petition.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

MARCH 02, 2016

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