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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6220/2016**
VIKRANT CHILDREN FOUNDATION AND RESEARCH
CENTRE

..... Petitioner
Through Mr. Sunil Fernandes, Mr. Deepak
Pathak and Ms. Mansi Barar
Feranades, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents
Through Mr. Gaurang Kanth, Adv. for R-1.
Mr. Nikhil Goel and Mr. Ashutosh,
Adv. for the DDA.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **20.07.2016**

C.M.No.25436/2016 (Exemption)

Exemption is allowed subject to all just exceptions.

Application disposed of.

W.P.(C) 6220/2016 & C.M. No.25435/2016

The petitioner is aggrieved by the order dated 16.01.2013 wherein a show cause notice had been issued under Section 152-A of the Delhi Municipal Act by the responding asking him to pay the property tax. Submission of the learned counsel for the petitioner is that the petitioner is a charitable body; the plans of the petitioner have also not been sanctioned; he has not done any construction on the plot of land as the DDA had refused to sanction his plans. His further submission is that a civil suit had been filed by the petitioner against the DDA wherein his lease has been cancelled pursuant to which he has filed a suit in which he has got an interim protection by the order

of the learned Single Judge in CS (OS) No.1323/2005. His further submission is that the said suit is still pending.

On advance notice, learned counsel for the respondent has put an appearance. His submission is that the respondent is entitled to charge property tax even on the vacant piece of land; additional submission being that the submission of the petitioner that he is a charitable institution does not stand substantiated as necessary permission has to be obtained under Section 115 (4) of the DMC Act, 1957. His additional submission is that the grievance of the petitioner cannot be addressed before this Court but it is advised that the he should appear before the concerned Tribunal which is Municipal Tax Tribunal. Learned counsel for the petitioner does not have any objection on this count. He states that the submissions which have been noted supra will be argued before the concerned Tribunal. He however prays that till the time he is able to approach the concerned Tribunal, he may be granted interim protection. Till the next 15 days, no coercive steps will be taken against the petitioner.

No further orders are called for on this petition. It is disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

JULY 20, 2016

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