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

\+ W.P.(C) 8249/2016 & CMs 34193-34194/2016

M/S M.M. CHHABRA & SONS (HUF) ..... Petitioner

Through: Mr Harish Malhotra, Sr. Advocate with Mr Rajender Agarwal, and Mr R.K.Modi, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL ..... Respondent

Through: Mr Arjun Mitra, Advocate.

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

O R D E R

% 21.09.2016

The present petition under Article 226 of the Constitution of India is directed against the assessment order dated 19.01.2016, in so far it has fixed the rateable value qua the subject property for the period from 01.04.2013 to 25.04.2014 at Rs.1,73,95,200/- against the earlier rateable value of Rs.1,14,26,400/- and to the extent that it has not granted the vacancy remission to the petitioner.

Notice.

Mr Mitra, learned counsel appearing on behalf of the NDMC, states that the petitioner has an equally effective remedy in the form of an appeal maintainable before the Appellate Tribunal/Additional District Judge, Delhi.

However, Mr Malhotra, learned senior counsel appearing on behalf of the petitioner, states that in the event he were to approach the Additional District Judge by way of an appeal, he would be required to deposit the entire amount stated in the assessment order impugned in the present petition, before the appeal could be heard in accordance with law.

Mr Malhotra further submits that they have made the payment in part

compliance with the Bill No.172119 dated 24.08.2016 insofar as it relates to the current demand in the amount of Rs.62,00,400/-, minus the rebate to which they are entitled, in accordance with law.

In this view of the matter, the petitioner is permitted to withdraw this petition with liberty to assail the order impugned in the present petition before the Additional District Judge by way of an appeal in accordance with law and subject to verification of the deposit of Rs.62,00,400/-, as above-stated, by the petitioner. It is directed that the Additional District Judge shall dispose of the appeal, if so filed by the petitioner within one week from today, in accordance with law, without insisting on further pre-deposit for adjudication of the appeal.

With the above direction the petition is disposed of.

A copy of this order be given *dasti* under signature of Court Master to counsel for the parties.

SIDDHARTH MRIDUL, J

SEPTEMBER 21, 2016
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