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

+ W.P.(C) 1367/2017 & CMs 6221-22/2017

M/S GUJRAL ENTERPRISES PVT LTD Petitioner
Through : Mr. Ashok Chhabra, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through : Mr. Arjun Mitra, Advocate for NDMC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **17.02.2017**

1. The present petition has been filed by the petitioner praying *inter alia* for setting aside the order dated 6.3.2012 passed by the Assessing Authority for the Assessment Year 2004-05 to 31.3.2010 in respect of the property bearing No.18, Kautilya Marg, Chanakya Puri, New Delhi.
2. Counsel for the respondent/NDMC opposes the maintainability of the present petition on the ground that the remedy of appeal is available to the petitioner under Section 115 of the New Delhi Municipal Council Act, 1994 (in short '**the Act**') and the petitioner cannot be permitted to bypass the statutory remedy and approach this Court directly by filing the present petition. He also states that in the event the petitioner proposes to assail the impugned order before the Appellate Authority, the respondent/NDMC reserves its right to take a plea of limitation as available to it under Sections 116 and 117 of the Act.

3. Counsel for the petitioner seeks leave to withdraw the present petition, while reserving his right to file an appeal against the impugned assessment order under Section 115 of the Act.

4. Leave, as prayed for, is granted. The writ petition is dismissed as withdrawn, along with the pending applications.

HIMA KOHLI, J

FEBRUARY 17, 2017

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