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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5705/2016 & C.M. No.23574/2016

M/S MAHATTA TOWERS PRIVATE LIMITED

..... Petitioner

Through Mr.G.V.Rao, Mr. A.K.Upadhyay and
Mr.Tanuja Mahajan, Advocates.

versus

EAST DELHI MUNICIPAL CORPORATION

..... Respondent

Through Mr.Rajan Tyagi, ASC with Mr.
Mandeep Arora, Advocate for
R-1/EDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.02.2017

The petitioner appears to be aggrieved by the action on the part of the respondent Corporation wherein his property located in District Centre Mayur Vihar has been categorized by the Corporation under category A. This is his grievance. His submission is that this categorization suffers from an illegality. The petitioner had been constrained to file an earlier writ petition [WP(C) 1394/2011] this was disposed of with liberty granted to him to make a representation before the Department. Further submission is that thereafter categorization of his property from category A was converted to category C; this was on 03.4.2014. Petitioner was not heard even on this change from category A to category C. His representation remained unheard. He was thereafter shocked to know that on

20.5.2016 another notification was issued by the Department wherein the classification of his property from category C was again overturned and reverted back to category A. This is now the grievance of the petitioner.

Learned counsel for the respondent has filed a counter affidavit. The stand of the respondent is that categorization has been done by the expert body of the respondent Corporation i.e. the Municipal Valuation Committee (MVC); this is after considering all parameters. Additional submission is that in spite of all efforts having been made to inform the petitioner asking him to represent his case in terms of the communications of the Department (detailed in para 16 of the counter affidavit) they remained unanswered.

The petitioner submits that he did not receive any such communication.

Noting these warring stands of the respective parties, this Court is of the view that Section 116B of the DMC Act does envisage a situation where the contention of the petitioner can be answered as a reconsideration of the categorization is permitted on a representation to be made by the party.

This writ petition is accordingly disposed of with liberty granted to the petitioner to approach the respondent Corporation by way of a representation along with all his written documents within a period of two weeks from today. The petitioner will appear before the respondent Corporation on 08.3.2017 at 2.30 p.m. and the representation of the petitioner shall be answered in accordance with law within an outer span of ten weeks from the date of the aforementioned

representation. The petitioner is also granted liberty to make a prayer before the Department that in this interregnum he wishes to pay property tax under category C which was the interregnum category; this Court also notes that as on date the property of the petitioner has been categorized under category A. Dehors any observation made by this Court in this order, the respondent Corporation will take independent decision on that count as well.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

FEBRUARY 22, 2017
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