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

\+ W.P.(C) 5727/2015 & C.M. No.10300/2015

TATA POWER DELHI DISTRIBUTION LTD.

..... Petitioner

Through Mr.Dhruv Mehta, Sr. Adv. with Mr.Anupam Varma, Mr. Nikhil Sharma and Mr. Devashish Marwah, Advocates.

versus

JOINT ASSESSOR AND COLLECTOR & ORS.

..... Respondents

Through Ms.Madhu Tewatia, Advocate for MCD.
Mr.S.K.Dubey, Advocate for R-4.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

O R D E R

% 11.01.2017

Pursuant to the judgment of the Apex Court delivered on 10.8.2016 in Civil Appeal No.5653/2014 *Municipal Corporation of Delhi Vs. North Delhi Power Limited (Tata Power Delhi Distribution Ltd.) and Anr*. Learned counsel for petitioner submits that fresh notices have been issued by the Corporation to the petitioner dated 10.10.2016 and 17.10.2016; these notices have been answered by a representation made by the petitioner dated 09.12.2016.

The directions of the Apex Court contained in the last paragraph of the aforenoted judgment clearly direct the Deputy Assessor and Collector of the Delhi Municipal Corporation to consider the provisions of the Delhi Municipal Corporation Act, Delhi Electricity Reforms Act, Transfer Scheme Rules and the Distribution licence issued under Section 20 of the Delhi Electricity Reforms Act for decising the matter pertaining to the incidence of tax. This is now the subject matter of the aforenoted notices.

In this view of the matter, this petition has become infructuous and the impugned order no longer survives. The Deputy Assessor and Collector will pass order in terms of the directions of the Apex Court uninfluenced by any observation made by this Court.

Petition disposed of.

INDERMEET KAUR, J

JANUARY 11, 2017
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