$~20

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

\+ W.P.(C) 1516/2017

PAPER MERCHANT ASSOCIATION (REGD.)

..... Petitioner

Through Mr.Ravi Gupta, Sr. Adv. with Mr. Sachin Jain and Mr.Lalit Gupta, Advocates.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through Ms.Mini Pushkarana, Standing Counsel for EDMC with Ms.Namrata Mukim, Ms.Vasundhara Nayyar and Ms. Anushruti, Advocates with Mr. Pawan Kapoor, Superintendant, EDMC for R-1 and R-2.
Mr.Arun Kumar and Mr.Ram Majid, Advocates for R-3.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **20.02.2017**

C.M. No.6881/2017 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 1516/2017 & C.M. No.6880/2017

Petitioner association is aggrieved by the action of the respondent whereby his property located in Ghazipur area/Village which according to him was earlier being assessed for property tax under Category-G has now been converted illegally under Category-D. Submission is that this action on the part of the respondent is illegal. Submission is that the petitioner association has been filing property tax returns under the self-assessment scheme of the Municipal Corporation under Category-G since the year 2006-07 which was the date of the allotment of the flats in favour of the petitioner association. Thereafter by an illegal act, the respondent has suddenly in the year 2016 in terms of the Resolution No.76 dated 22.7.2015 converted their status from Category-G to Category-D. Further information in this regard has been obtained by the petitioner pursuant to certain RTI queries raised by them.

On advance notice, learned counsel for respondent/EDMC has put in appearance. Her submission (under instruction) is that Ghazipur area till date has not been classified under any category. A communication dated 04.7.2016 had been addressed by the Deputy Assessor and Collector of respondent no.1 to the petitioner association informing them that this colony had been left out and till the time the Municipal Valuation Committee (MVC) is formulated (under Section 116 of the DMC Act) its classification in the interregnum shall be decided by the Commissioner; the Commissioner has held that this property falling in Ghazipur Village area should be categorized under Category- D. The report of the MVC would however be final on this aspect.

Learned counsel for respondent additionally submits that the question of a reconsideration of the category is envisaged under Section 116B of the DMC Act and the petitioner should now approach the MVC; this writ petition is not maintainable.

Learned counsel appearing for respondent no.3 is also present.

He (under instructions) states that the 4^{th} MVC has since been constituted under the DMC Act in January, 2017.

Petitioner is accordingly permitted to withdraw this petition with liberty to approach the Municipal Valuation Committee (MVC) in terms of his grievance in terms of Section 116B of the DMC Act. The MVC shall address the grievance of the petitioner association within an outer limit of three months from the date of the receipt of their application. The averments which are made by the petitioner in the writ petition may form the averments in his representation and the same shall be answered by the MVC in accordance with law.

Petition disposed of in the above terms.

INDERMEET KAUR, J

FEBRUARY 20, 2017
ndn