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

\+ W.P.(C) 1779/2016

GURU GOBIND SINGH INDRDAPRASTHA UNIVERSITY ..... Petitioner

Through: Mr. Mukul Talwar, Sr. Adv. with Ms. Anita Sahani, Adv.

Versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR ..... Respondents

Through: Mr. Nikhil Goel and Mr. Prateek Chadha, Advs. for R1.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

<u>O R D E R</u>

% **06.02.2018**

1) Pursuant to order dated February 1, 2018, learned counsel for the respondents state, the issue whether National Law University is liable to pay property tax is still under consideration of the concerned authority. Mr. Mukul Talwar, learned Sr. Counsel appearing for the petitioner states, similar order as passed by this Court in Writ Petition (C) No. 187/2014 dated April 13, 2015 be passed in this case and the matter be remanded back to the authority concerned for a fresh consideration.

2) Mr. Mukul Talwar states, the land in question has been allotted by the DDA to the Govt. of NCT of Delhi and expenditure for construction of the building on the land has also been incurred by the Govt. of NCT of Delhi. In effect, it is his submission in view of the status of Delhi, the property is of the Union of India and thus by virtue of Article 285 of the Constitution of

India and Section 119 of the DMC Act, 1957, the same is exempted from the tax.

3) On the other hand learned counsel for the respondents would contend the land being with the University, the character of the same shall not be of Govt. of NCT of Delhi / UOI. He also rely upon, the provisions of the Indraprastha Vishwavidyalaya Act to contend that the land is of the University.

4) There is no dispute, the plea rasied by Mr. Talwar goes to the root of the fact, whether, Property Tax per se can be claimed by the respondents. The issue having not been gone into, the same requires consideration by the concerned authority. I note, in case of ***National Law University (supra)*** this court noting a similar submission made on behalf of the NLU has passed the following order:

> *"In my view, the explanation to Section 119 of the DMC Act would not be applicable as the petitioner is neither a Government Company nor a Statutory Corporation; further the petitioner has no interest in the land and building occupied by it. The submission that the petitioner is only a licensee has not been disputed. It is well settled that a licensee does not require any interest or title in the property. In this view, prima facie, the petitioner would not be liable to pay any tax under the DMC Act. It is noted from the assessment order dated 17.12.2012 that this ground was specifically urged by the petitioner before the Assessor and Collector, however, the same has not been addressed."*

5) Accordingly, I set aside the assessment order dated March 27, 2012 and subsequent orders passed thereto including the order dated February 24, 2016 (warrant of distress) and remand the matter back to the concerned Joint Assessor and Collector / Competent Authority. The Joint Assessor shall

consider the pleadings filed by the parties in these proceedings and any other document(s) / pleading they wish to file / rely on and by hearing the representatives of the parties shall pass a final order within a period of six months from today. The parties shall be at liberty to take all pleas both on facts and in law before the Joint Assessor.

If the petitioner is still aggrieved by the order to be passed by the Joint Assessor, liberty is with the petitioner to seek such remedy as available in law.

The petition is disposed of.

CM No. 7626/2016 (for stay)

In view of the order passed in the writ petition, the application has become infructuous and disposed of as such.

V. KAMESWAR RAO, J

FEBRUARY 06, 2018/*jg*