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

\+ W.P.(C) 9447/2015, CM No. 42462/2016

DELHI LAWN TENNIS ASSOCIATION ..... Petitioner

Through: Mr. Sachin Chopra and Mr. Shubhnit Hans, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION ..... Respondent

Through: Ms. Madhu Tewatia, Adv. for SDMC

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

O R D E R

% **24.01.2018**

The present petition has been filed by the petitioner primarily on two grounds that the petitioner is a charitable organisation, as such the property tax cannot be imposed and the condition of pre-deposit is onerous one as the petitioner is required to make a pre-deposit of 100%.

Mr. Sachin Chopra, learned counsel for the petitioner states, it has come to his notice that during the pendency of the writ petition, the petitioner has deposited almost the complete assessed amount, even though under protest. If that be so, there is no dispute to the fact that the petitioner has remedy of appeal before the Municipal Taxation Tribunal, it would be appropriate, the petitioner approaches the Tribunal for challenging the assessment order already passed by depositing the balance assessed amount, if any.

The petition and CM 42462/2016 are dismissed. Learned counsel for the petitioner states the issue of limitation may bar the appeals. Suffice to state, as the petitioner was pursuing this writ petition in this Court, if application is filed seeking condonation of delay surely the Tribunal would consider the fact that the petitioner was pursuing the writ remedy in this Court.

V. KAMESWAR RAO, J

JANUARY 24, 2018/*aky*