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

+ W.P.(C) 9/2019 & C.M. No.23/2019

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION Petitioner

Through: Mr.Balbir Singh, Sr. Adv. with
Mr.Judy James, Adv.

versus

NORTH DELHI MUNICIPAL COPORATION Respondent

Through: Ms.Madhu Tewatia, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **15.01.2019**

1. Vide the present petition, the petitioner seeks quashing of the assessment order dated 21.12.2018 passed by the respondent pursuant to the liberty granted to them vide order dated 31.10.2018 passed by this Court in W.P.(C) No.9884/2018. On the last date, learned counsel for the petitioner at the outset submitted that the impugned order was wholly without jurisdiction having been passed by an authority who was not competent to pass any assessment order as per Section 123D of the Delhi Municipal Act.

2. Ms.Tewatia, learned counsel for the respondent had sought time to seek instructions. Today learned counsel for the respondent states, on instructions, that keeping in view the amount involved in the present case, the authority which had passed the impugned order was

not competent to pass the said order. She therefore submits that the said order may be treated as withdrawn. She further submits that the respondent has not taken any further action against the petitioner pursuant to the said order.

3. In view of the statement of learned counsel for the respondent that the impugned order dated 21.12.2018 be treated as recalled , the writ petition along with the pending application is disposed of with liberty to the respondent to pass a fresh order after following due procedure of law in terms of order dated 31.10.2018 passed by this Court in W.P.(C) No.9884/2018.

4. Needless to state that once the said order stands recalled and if the same will be treated as non-est, no consequential action passed on the said order will survive.

5. It is made clear that this Court has not examined the merits of the petitioner's challenge to the impugned order and in case the petitioner is aggrieved by any fresh order passed by the respondent, it will be open for the petitioner to take legal recourse as permissible under law.

REKHA PALLI, J

JANUARY 15, 2019

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