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

+ W.P.(C) 380/2019 & CM Nos.1797/2019 (for stay) &
1798/2019 (for exemption)

MUKESH CHOUDHARY Petitioner
Through Mr.Kushal Gupta, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent
Through Ms.Mini Pushkarna, Standing
Counsel, North DMC with
Ms.Swagata Bhuyan, Adv. & Ms.S.
Pandey, Adv. with Mr.Parveen
Kumar, Asstt. Zonal Inspector,
Property Tax Deptt.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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16.01.2019

1. Vide the present petition, the petitioner seeks quashing of the notice dated 6th June, 2018 issued to the respondent under Section 123D of the Delhi Municipal Corporation (Amendment) Act, 2003 as also the assessment order dated 22nd December, 2018 passed on the basis of the aforesaid notice which admittedly remained unresponded to by the petitioner. The petitioner also seeks quashing of the demand notice dated 8th January, 2019 based on the aforesaid assessment order.

2. At the outset, learned counsel for the petitioner has been asked to address the Court on the question of maintainability of the writ

petition in the light of the alternate statutory remedy available to him. At this stage, learned counsel states that for the present, the petitioner would be satisfied if the respondent is directed to at least examine the documents filed by the petitioner along with the writ petition which clearly shows that the impugned assessment order is unsustainable. Learned counsel for the respondent does not oppose the aforesaid limited prayer made by the petitioner.

Accordingly, the writ petition is disposed of with a direction to the respondent to treat the present writ petition as a representation and pass a reasoned and speaking order thereon, within six weeks after following the principles of natural justice including an opportunity of hearing to the petitioner. A copy of the order so passed shall be furnished to the petitioner as also to the learned counsel for the petitioner. In the peculiar facts and circumstances of the case, till an order is passed by the respondent by condoning the present writ petition as a representation, no coercive action will be taken against the petitioner based on the impugned orders.

Needless to say, in case the petitioner is aggrieved by the order passed by the respondent, it will be open for the petitioner to seek legal recourse as per law.

The petition and pending application are disposed of in the aforesaid terms.

REKHA PALLI, J

JANUARY 16, 2019/aa