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

\+ W.P.(C) No. 716/2019

BAL BHARTI PUBLIC SCHOOL ..... Petitioner

Through : Mr. Inderbir Singh Alag, Sr. Adv.with Mr. R. S. Bisht, Adv.

versus

NORTH DELHI MUNICIPAL CORP. & ORS. ..... Respondents

Through : Ms. Mini Pushkarna, Standing Counsel with Ms. Swagata Bhuyan, Ms. Shiva Pandey and Mr. Shayam Vimal, J.S.A., Rohini Zone for North-DMC.
Mr. Tanmay Yadav, Adv. for Ms. Mrinalini Sen, Standing Counsel for DDA.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

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

% 22.01.2019

<u>CM No. 3163/2019</u> (for exemption)

Allowed, subject to just exceptions.

The application is disposed of.

<u>W.P.(C) No. 716/2019 & CM No. 3162/2019</u>(for interim relief)

The petitioner, which is a school situate in Rohini, Delhi impugns assessment order dated 28.12.2018 and show cause notice dated 14.01.2019 issued by respondent No.1 for property tax assessable on the school property.

Issue notice.

Ms. Mini Pushkarna, learned Standing Counsel for respondents Nos. 1 and 2 accepts notice. Mr. Tanmay Yadav, Advocate appears on behalf of Ms. Mrinalini Sen, learned Standing Counsel for DDA and accepts notice on behalf of respondent No.3.

Learned Senior Counsel for the petitioner informs me that by communication dated 21.01.2019 received from respondent No. l , the said respondent has requested the petitioner to revise its property tax return or submit certain documents as mentioned in the said communication, which the petitioner is willing to do.

Ms. Mini Pushkarna, learned Standing Counsel for respondent No.1, on instructions from Mr. Shayam Vimal, Zonal Inspector Rohini Zone, submits that on the basis of the revised property tax return and/or the documents that the petitioner may file before respondent No.1, a fresh assessment order will be passed after affording to the petitioner a hearing. She submits that in view thereof, whether or not respondent No.1 agrees with the petitioner's contentions in regard to the assessment of property tax, impugned assessment order dated 28.12.2018 will in any case be superseded by a fresh assessment order. She further submits that in view thereof, show cause notice dated 14.01.2019 issued by respondent No.1 to the petitioner will also stand rescinded.

In this view of the matter, nothing further survives in the petition; and the same is disposed of with a direction to the petitioner to comply with communication dated 21.01.2019 aforesaid by 30.01.2019; and a direction to respondent No.1 to undertake a fresh property tax assessment in respect of the petitioner's property, after giving the petitioner a hearing, as expeditiously as possible.

The petition is disposed of in the above terms.

Dasti.

ANUP JAIRAM BHAMBHANI, J

JANUARY 22, 2019
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