

\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3257/2019**
DEV RANJAN MITTRA Petitioner
Through **Mr.Jasmeet Singh, Adv.** with
Mr.Aditya Madaan, Adv.
versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through **Mr.Arjun Mitra, Adv.**

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% 01.04.2019

CM APPL No.14937/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3257/2019 & CM APPL No.14936/2019

The writ petition is filed with the following prayers :

a) A writ in the nature of mandamus directing the respondent to assess the premises/ flats bearing no.204 and 205, Kailash Building, 26 Kasturba Gandhi Marg-110001 as separate premises for the purpose of assessing property tax.

b) A writ in the nature of Certiorari quashing the property tax bill of the previous financial years 2016-17 bearing no. 175249, 2017-18 bearing no. 195514 2018-19 bearing no. 214047 raised by the respondent in violation of law, arbitrarily amalgamating the subject premises for the purposes of charging property tax and consequently charging excess property tax from the petitioner.

c) A writ in the nature of mandamus directing the

respondent to refund the excess property tax paid by the petitioner, on the basis of erroneous calculation by the respondent, for the year of 2016-17, 2017-18 and 2018-19 amounting to collection of excess property tax of approximately Rs. 2,00,000/- approx. each year.

It is submitted in WP(C) No.13518/2018 with similar facts, an order dated 14.12.2014 was passed as follows :

It is submitted by learned counsel for the petitioner that an order passed in Esha Ghose V. New Delhi Municipal Council in WP(C) No.8276/2017 in similar circumstances be passed in the present case too and the properties bearing flat No.202 and 203 at Kailash Building, 26 Kasturba Gandhi Marg, New Delhi be treated as separate properties for asserting property tax. This court vide order dated 18th September, 2017 had directed the NDMC to consider such request and to pass a speaking order after affording the petitioner an opportunity to be heard. Similar directions are issued in this case.

Petition stands disposed of.

Order dasti.

It is urged similar order be passed in this case also. Hence similar order is passed in this case qua properties bearing flats No.204 and 205, Kailash Building, 26 Kasturba Gandhi Marg, New Delhi.

Copy of this order be given *dasti* under signatures of the Court Master.

The petition stands disposed of along with pending application, if any.

YOGESH KHANNA, J.

APRIL 01, 2019/vLD