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

+ **W.P.(C) 5034/2017**

**RAVI SHANKAR INSTITUTE FOR MUSIC AND PERFORMING
ARTS**

..... Petitioner

Through : Sh. Dhiraj Philip and Sh. Febin Mathew
Varghese, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through : Sh. Arjun Mitra, Advocate, for NDMC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **27.02.2019**

The petitioner's grievance is that the condition of pre-deposit enacted under Section 116(b) of the NDMC Act [hereafter "the Act"] is arbitrary. The Court had issued notice. Today, the learned counsel for the respondent NDMC submits that since the petitioner has preferred an appeal under Section 115 of the Act and having regard to the previous judgment of this Court, the appeals may be considered on merits provided the petitioner deposits the amounts for the concerned base years (the amounts are ₹6,49,700/- for Base Year 2000-01 and ₹4,46,675/- for Base Year 2004-05). In these circumstances, upon deposit of these two amounts within four weeks, and on giving due adjustments for ₹5 lakhs already deposited by the petitioner, the interim order made earlier in this case shall continue till the decision on the appeal preferred by the petitioner. The Tribunal shall ensure that decision is given on merits of the appeal and not on the issue of

pre-deposit or any other similar ground. The writ petition is disposed of in the above terms.

In the circumstances of these facts, the Court is of the opinion that the question of challenge to Section 116(b) does not survive. The writ petition is disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

FEBRUARY 27, 2019/ajk