

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No. 5834 of 2001 (O&M)
DECIDED ON: FEBRUARY 11, 2020**

BHARAT SANCHAR NIGAM LIMITED

PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

AND

CWP No. 10860 of 2010 (O&M)

BHARAT SANCHAR NIGAM LIMITED

PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Anil Rathee, Advocate
for the petitioner(s).

Mr. Pankaj Gupta, Addl. AG, Punjab.

Mr. Bhupesh Dogra, Advocate for
Mr. Amit Aggarwal, Advocate
for respondent No.2 in CWP No. 10860 of 2010.

AJAY TEWARI, J (Oral):

By this common order we intend to dispose of the afore-said two writs as the same question of law is involved

2. The afore-said petitions have been filed against the notices whereby, it had been asked to deposit arrears of house tax. A reply was filed but no decision was taken thereon.

3. A primary contention raised in these two petitions are that house tax is being sought to be recovered for a period when the petitioner-BSNL had not even come into existence and actually through out that time the asset belongs to the Government of India.

4. In our opinion this plea can well be taken before the authorities and it is not appropriate for this Court to take a decision at the first instance. Since, as mentioned above even reply to the notice has not yet been decided because of stay order granted by this Court.

5. Resultantly we dispose of both the petitions at this stage with liberty to the respondents to decide the issue of exigibility of service charges/property tax from the petitioner in the years' in question by passing a speaking order thereon.

6. Since the main petitions are disposed of, all the pending civil misc. applications are also disposed of.

**[AJAY TEWARI]
JUDGE**

**[AVNEESH JHINGAN]
JUDGE**

FEBRUARY 11, 2020

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |