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

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Judgment delivered on: 17.05.2021

+ W.P.(C) 4513/2021 & CM APPL.13797-98/2021

DR INDRANEEL MITTRA

..... Petitioner

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Advocates who appeared in this case:

For the Petitioner: Ms. Priyadeep, Advocate.

For the Respondent: Mr. Sriharsha Peechara, Additional Standing Counsel, NDMC.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns assessment order dated 16.12.2020. Learned counsel for the petitioner submits that the impugned assessment order relies on several notices including notice dated 17.03.2012 which notice was challenged by the petitioner in W.P(C) 2577/2012 and the said notice was quashed by order dated 25.07.2012.
3. Learned counsel further submits that the assessment order records that the rent agreements with the tenants have not been furnished, however, the order records that in case the petitioner were to submit the documents of tenancy, the respondents would reconsider the matter. She submits that petitioner has submitted the relevant tenancy documents to the respondents after the passing of the impugned order.

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W.P(C) 4513/2021

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4. Learned counsel further points out that the impugned order records that after receipt of the notices referred therein no objections were filed by the petitioner, however, objections were duly filed and copies of the same are annexed as Annexure 7 (Colly) to this petition and said objections have not been considered.

5. Learned counsel appearing for the respondents under instructions submits that impugned order dated 16.12.2020 shall be withdrawn without prejudice to the rights and contentions of the parties and the department would reassess the case of the petitioner and pass a fresh assessment order after taking into consideration the objections filed by the petitioner and giving an opportunity of hearing to the petitioner.

6. In view of the above, impugned order dated 16.12.2020 is set aside. Matter is remitted to the respondent Corporation to pass a fresh assessment order after taking into account the objections and the documents filed by the petitioner and given an opportunity of hearing to the Petitioner.

7. All rights and contentions of the parties are reserved. This is also without prejudice to the plea of limitation being taken by the petitioner.

8. Petition is allowed in the above terms.

9. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

MAY 17, 2021/rk

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