



\$~1

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

+ **W.P.(C) 1216/2024 & CM APPL. 5054/2024**

LA TROPICANA RESIDENTS ASSOCIATION Petitioner

Through: Mr. Vivek Kohli, Senior Advocate
with Ms. Sandeep Bhuraria,
Mr. Monish Surendran and
Ms. Bhavya Bhatiya, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS. Respondents

Through: Ms. Sunita Ojha, Standing Counsel
with Ms. Vasudha Priyansha,
Advocate for MCD.
Mr. Udit Malik, ASC (Civil),
GNCTD with Mr. Vishal Chanda,
Advocate.
Mr. Rajat Joneja, Mr. Manoranjan
Sharma and Mr. Deeptanshu Jain,
Advocates for R-4.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

07.02.2024

%

1. Ms. Sunita Ojha, Standing Counsel for the respondent no. 1/MCD, stated that vide order dated 05.02.2024 issued by Sh. Prem Kumar Mandal, Jt. Assessor & Collector (HQ), MCD, the Club House, Site/Sales Office of the respondent no. 4 has already been de-seal.

2. It is stated that the entire property was re-assessed for the purpose of house tax vide proceedings dated 05.02.2024 bearing no. Tax/HQ/MCD/C-9/2023-24/D-4402 and tax liability was determined at Rs.2,76,94,931/- which includes principal amount of Rs.1,67,25,848/- and interest amount of



Rs.91,16,759/-. It is further stated that the respondent no. 4 has already paid the principal amount of Rs.1,67,25,848/- and has also issued post-dated cheques (PDC) in respect of interest amount of Rs.91,16,759/-.

3. The counsel for the respondent no. 4 stated that the respondent no. 4 has paid the tax without prejudice to his rights and contentions to be raised in the aforesaid legal proceedings to challenge the re-assessment before the House Tax Tribunal.

4. The learned Senior Counsel for the petitioner stated that although vide letter dated 05.02.2024 bearing no. TAX/HQ/NK/2023-24/4420, the Club House has already been ordered to be opened but the respondent no. 4 be directed to take NOC from the Fire Department.

5. The counsel for the respondent no. 4 in response to the averment made above by the learned Senior Counsel for the petitioner, stated that the project is still under completion and the necessary action in respect of the Phase-I shall be taken in accordance with rules and regulations to obtain the Fire NOC as early as possible.

6. The counsel for the respondent no. 4 as per the instructions received on behalf of the respondent no. 4, stated that the necessary proceedings for sanction of Fire NOC has already been initiated and it is likely to be completed within a period of six months.

7. Accordingly, the present petition along with pending application, stands disposed of. However, the petitioner shall be at liberty to initiate appropriate legal proceedings in case of altered circumstances.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 7, 2024

N/AK