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

\+ CONT.CAS(C) 310/2024 & CM APPL. 10638-10639/2024

DEEPAK AGARWAL ..... Petitioner

Through: Mr. Gaurav Gupta, Ms. Sanjana Gupta & Mr. Sushrut Meena, Advs.
M: 9818109909
Email: sushrut1910@gmail.com

versus

KRISHNA MOHAN UPPU SECRETARY NDMC ..... Respondent

Through: Ms. Harsha Peechara, SC with Mr. Abhinav Bajaj, ASC, Ms. Harshita Gupta, Mr. Akshat Kulshreshtha, Mr. Shubham Kumar Mishra & Mr. Saksham Ojha, Advs. for R-1.
M: 8209994704
Email: akshat.kul9@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **21.02.2024**

CM APPL. 10639/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.

2. Application is disposed of.

CONT.CAS(C) 310/2024 & CM APPL. 10638/2024

3. The present contempt petition has been filed alleging willful disobedience of the order dated 16th October, 2023 passed in *W.P.(C) No. 5395/2017.*

4. Learned counsel appearing for the petitioner submits that by the aforesaid order, the respondent was granted liberty to issue a fresh assessment order following the methodology of Section 63 of the New Delhi Municipal Committee ("NDMC") Act, 1994. Despite a lapse of four months since this Court gave liberty to the respondent to issue a fresh assessment order, no steps in this regard have been taken.

5. It is submitted that rather on 19th February, 2024, officials of the respondent approached the showroom of the petitioner and wanted to take sealing action thereto. Thus, it is submitted that the action of the respondent is contumacious in nature.

6. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

7. He submits that though the Enforcement Team of the NDMC had visited the showroom of the petitioner, however, the said action was a routine action against all the properties, wherever Property Tax had not been paid. He further submits that no further action was taken by the Enforcement Team, after the orders passed by this Court were brought to its notice.

8. Learned counsel for the NDMC has further handed over a copy of notice of hearing dated 20th February, 2024 issued to the petitioner.

9. He submits that the petitioner has already been called for personal hearing on 27th February, 2024 for the purposes of fresh assessment in terms of Section 63 of NDMC Act, 1994.

10. Considering the aforesaid submissions made on behalf of the respondent, it is directed that the petitioner shall cooperate with the NDMC and appear for hearing on the date fixed by the respondent-NDMC.

11. It is further directed that no coercive steps shall be taken against the

petitioner, except in accordance with law, after final decision is taken qua the property tax payable by the petitioner.

12. With the aforesaid directions the present petition is disposed of.

MINI PUSHKARNA, J

FEBRUARY 21, 2024/kr