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

+ **W.P.(C) 3726/2024 &CM APPL. 15361/2024 (Stay)**

INDRAPRAKASH APARTMENT OCCUPANTS ASSOCIATION

..... Petitioner

Through: Ms. Anusuya Salwan, Adv. (through
VC) alongwith Mr. Parth Kaushik,
Ms. Simran Sakunia, Ms. Sonika
Singh and Mr. Rachit Wadhwa, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Mr. Sunder Khatri, Adv. (Addl. SC)
alongwith Mr. Naman Khatri, Adv.
Mr. Nirvikar Verma, ASC alongwith
Mr. Ravi Grover, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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13.03.2024

**CM APPL. 15362/2024 (Exemption from filing typed copy of annx. and
dim annx.)**

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3726/2024

1. The present petition has been filed by the petitioner impugning a notice dated 01.03.2023 issued under Section 100(1) of the New Delhi Municipal Council Act, 1994 ('NDMC Act') in terms of which an amount of Rs.1,38,94,508/- has been demanded in respect of "70 Open C P S, Indra Prakash, New Delhi". The demand itself has been raised on "Smt. Krishna



Kapoor & Others C/o M/s Ansal Properties & Industries (P) Ltd”.

2. Learned counsel for the petitioner submits that the members of the petitioner are legal owners/occupiers of the premises in question. The premises in question are stated to have been constructed pursuant to a collaboration agreement between the erstwhile owners *i.e.*, Smt. Krishna Kapoor and M/s Ansal Properties & Industries (P) Ltd.

3. It is submitted that there is no rationale for raising the impugned demand inasmuch as a substantial part of ‘open car parking space’ has been acquired by the Delhi Metro. Further, no opportunity of hearing whatsoever has been given to the owners/occupiers *i.e.*, the members of the petitioner association prior to issuance of the impugned demand notice.

4. After some hearing, with the consent of respective counsel, the present petition is disposed of with the direction that the present petition itself shall be treated as a representation, which shall be decided by the NDMC, after affording an opportunity of hearing to the petitioner, as well as to the individual apartment occupier(s)/owner(s) of Indraprakash Building, 21 Barakhamba Road, New Delhi, 110001, and a reasoned order shall be passed thereupon. It is directed accordingly. If it is deemed necessary upon conclusion of the aforesaid exercise, the impugned demand shall be suitably withdrawn/ modified.

5. It is agreed that hearing shall be given to the petitioner by the concerned Director (Tax) of the respondent/NDMC on 22.03.2024 at 02:30 P.M. and a reasoned order shall be passed within a period of four weeks thereafter.

6. Till the conclusion of the aforesaid exercise, no coercive/precipitative steps shall be taken by the NDMC with regard to the property in question.



7. The writ petition, alongwith pending application/s stand disposed of in the above terms.

MARCH 13, 2024/r

SACHIN DATTA, J