$~77

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

\+ W.P.(C) 5651/2024, CM APPL. 23274/2024

M/S. R.J. TRADE WINGS (P) LTD. ..... Petitioner

Through: Mr. Subhash C. Jindal, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. ..... Respondents

Through: Mr. Sanjay Sharma, SC for NDMC.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

<u>O R D E R</u>

% **23.04.2024**

1. The limited relief sought by the petitioner is that the respondent/NDMC be directed to decide the representation of the petitioner dated 27.12.2017 (Annexure P/13) read with representation dated 28.08.2017 (Annexure P/11).

2. Attention is drawn to the order dated 10.04.2018 passed by this Court, whereby, it was *inter alia* directed as under:-

> *"Vide the present petition, the petitioner impugns the Property Tax Bill dated 11.12.2017 issued by the respondents, whereby the earlier Rateable Value of the petitioner's property has been increased from Rs.3,76,200/- to Rs.1,10,25,600/- w.e.f. 01.04.2016 on a comparable rent basis. The petitioner is also praying for a direction to the respondents to re-assess and raise the Properly Tax Bill in respect of premises no. K-43, First Floor, Opp. Plaza Cinema, Connaught Place, New Delhi-110001 after following the procedure prescribed in Chapter VIII of the NDMC Act, 1994.*
>
> *Ms. Malvika Trivedi, Advocate who appears on advance notice, for the respondents submits that the present petition is not maintainable as the petitioner has an efficacious alternate remedy by way of an appeal under Section 115 of the NDMC Act.*
>
> *At this stage, learned counsel for the petitioner submits that even though the petitioner is aware of the alternate remedy since, the respondents have while raising the impugned bill overlooked certain*

very vital undisputed facts, the petitioner has submitted a representation dated 27.12.2017 to the respondents with the hope that the respondents would re-examine the matter and he, therefore, submits that at this stage, he would be satisfied if the respondents are directed to pass a reasoned and speaking order on the aforesaid representation of the petitioner.

Keeping in view the limited prayer made by the petitioner, the present petition is disposed of with a direction to the respondents to dispose of the petitioner's pending representation by passing a reasoned and speaking order on the same within four weeks.
Needless to say that this Court has not expressed any opinion on the plea of learned counsel for the petitioner, that in the facts of the present case, a writ petition challenging the revised property tax bill is maintainable, despite an alternate efficacious remedy available to the petitioner is by way of an appeal under Section 115 of the NDMC Act."

3. Learned counsel for the petitioner submits that despite lapse of more than 6 years since the aforesaid order, the representations of the petitioner as referred to therein have not been decided.

4. Learned counsel for the respondent no.1/NDMC, who appears on advance notice, submits that the concerned representations of the petitioner shall be decided within a period of 3 weeks from today vide a speaking order.

5. The aforesaid statement of the learned counsel for respondent no.1/NDMC is taken on record. In view thereof, the petitioner does no press for any further relief/s at this stage. The present petition, along with pending application/s is accordingly disposed of.

6. Needless to say, if the petitioner is aggrieved by the outcome of the aforesaid exercise, the petitioner shall be at liberty to avail appropriate remedies in accordance with law.

APRIL 23, 2024/at **SACHIN DATTA, J**