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

+ **W.P.(C) 15153/2024 & CM APPL. 63554-63555/2024**

**SATVIR SINGH RANA & ANR.**

.....Petitioners

Through: Mr. B.B. Gupta, Sr. Advocate with  
Mr. Achal Gupta and Mr. Karan  
Jain, Advocate.

versus

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

Through: Mr. Sanjay Sharma, ASC with Mr.  
Anand Kumar Sharma, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**28.10.2024**

1. The petitioners have filed this petition, under Article 226 of the Constitution, assailing an order dated 06.09.2024 passed under Section 72 of the New Delhi Municipal Council Act, 1994 [“the Act”], by which New Delhi Municipal Council [“NDMC”] has fixed the rateable value of the petitioner’s property [No. 106, Jor Bagh, New Delhi] at Rs.1,24,92,600/- w.e.f. 01.04.2018 onwards.

2. At the very outset, Mr. B.B. Gupta, learned Senior Counsel for the petitioners, submits that NDMC has failed to take account of objections filed by the petitioners on 25.04.2019, in response to NDMC’s notice dated 28.03.2019. Mr. Gupta points out that, in the impugned order, it is recorded that no objection has been received from the recorded owner, whereas the communication dated 25.04.2019 bears the stamp of NDMC. Mr. Gupta also draws my attention to an order dated 13.08.2024 in

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W.P.(C) 10958/2024, in which a similar situation was noted where the impugned order stated that no objections were received to the notice under Section 72 of the Act, contrary to the record.

3. Mr. Sanjay Sharma, learned counsel for NDMC, who appears on advance notice, submits that in view of the facts and circumstances pointed out in the writ petition, NDMC does not wish to rely upon the order dated 06.09.2024, and will re-consider the question of rateable value of the petitioners' property, taking into account the representation dated 25.04.2019 and the contents of the present writ petition.

4. The impugned order dated 06.09.2024 is consequently set aside, and the matter is remanded to NDMC for a fresh decision in accordance with law, after considering the objections dated 25.04.2019 and the contents of the writ petition.

5. In view of the statement of Mr. Sharma, it is unnecessary to keep the present writ petition pending. However, NDMC is directed to ensure that the objections, which are placed on record by the assessee, are taken into account before orders are passed under Section 72 of the Act. This observation is necessary in view of the repeated cases of this nature being placed before the Court. A copy of this order be forwarded by Mr. Sharma to the Chairperson, NDMC, for necessary orders.

6. The petition, alongwith the pending applications, is disposed of.

**PRATEEK JALAN, J**

**OCTOBER 28, 2024**  
SS/