



\$~47

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

+ W.P.(C) 16446/2024 & CM APPLs. 69432-33/2024

BANWARI LAL CHARITABLE TRUST

.....Petitioner

Through: Mr. Satya Prakash Sharma, Mr.
Yash Prakash Sharma, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ANR.

.....Respondents

Through: Ms. Sunieta Ojha, Ms. Diviya
Vashisht, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

28.11.2024

1. The petitioner has filed this petition under Article 226 of the Constitution, challenging the *Suo Moto* Assessment Order dated 12.09.2024 ["the impugned order"] issued by the Municipal Corporation of Delhi ["MCD"] in respect of property *No. 1/1, Rani Jahsni road, Delhi – 110055*.

2. At the very outset, Ms. Sunieta Ojha, learned counsel for the MCD, who appears on advance instructions, submits that this order has been passed *suo moto* on the contention of MCD that the petitioner had not submitted documents or responded to a notice issued to it. While this contention is factually denied by learned counsel for the petitioner, Ms. Ojha submits that the impugned order may be set aside and the matter remanded to MCD for passing a fresh order after considering the documents and submissions of the petitioner.

3. Ms. Ojha has handed over to learned counsel for the petitioner an



earlier assessment order dated 01.11.1997, and a communication dated 13.06.2024, by which MCD had called upon the petitioner to supply certain information and documents.

4. In view of the above submission on behalf of the MCD, and with the consent of learned counsel for the parties, the petition, alongwith the pending application, is disposed of with the following directions:

- A. The impugned order dated 12.09.2024 is set aside.
- B. The petitioner is directed to permit MCD to inspect the property on 48 hours notice. Notice will be given through learned counsel for the petitioner, in addition.
- C. The petitioner may furnish any documents or submissions in response to the proposed assessment within a period of two weeks from today.
- D. The response will be furnished to the Assistant Assessor and Collector, MCD, Karol Bagh Zone.
- E. The concerned officer will give the petitioner an opportunity of hearing on three days' notice, also to be served to learned counsel for the petitioner.
- F. MCD may pass a fresh assessment order, and the rights and remedies of the petitioner are expressly reserved.

PRATEEK JALAN, J

NOVEMBER 28, 2024

“Bhupi/JM”/