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

+ **W.P.(C) 5434/2014**

SHRADHANAND SEWA SINGH (REDG.) Petitioner

Through: Mr. Pradeep Kumar Arya, Mr. Aditya Kumar Yadav, Mr. Gaurav Chaudhry, Mr. Varun Jawla, Mr. Arpit Bamal, Mr. Sachin Balhara and Mr. Vaibhav Chaudhry, Advocates

versus

UNION OF INDIA

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC with Mr. Abhay Singh, Advocate for UOI

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

17.05.2024

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1. The present petition is filed under Article 226 of the Constitution for quashing of the illegal demand letters bearing no. L&DO/L-V-3(37)/306 dated 12.07.2007, L&DO/L-V-3(37)/228 dated 16.08.2012 and L&DO/L-V-3(37)/194 dated 03.06.2013 issued by the respondent and further to quash the show-cause-notice bearing no. L&DO/L-V-3(37)/84 dated 07.04.2005 issued to the petitioner for alleged breaches on account of the unauthorised construction and misuse in the property and also to refund the amount of Rs.9,68,521/- along with interest @ 12%.

2. The petitioner is stated to be a charitable trust which was registered on 01.12.1930 and was proposed to be allotted a piece of land in Lodi colony in the name of Pataudi House Trust vide letter dated 19.11.1959. The petitioner was directed to fill the proforma enclosed with the said letter. Thereafter, an



agreement for lease dated 05.01.1962 was executed between the President of India and the petitioner with respect to Arya Bhawan, Mandir at 140, Jor Bagh, New Delhi. The petitioner also raised a construction thereon in view of the building plans sanctioned by the New Delhi Municipal Committee and the completion certificate dated 03.12.1965 issued in favour of the petitioner.

3. The petitioner, to achieve its objective, started a computer institute in the name of Hans Raj Computer Institute in the year 2000 for the financially weaker and deprived children of the society in a small portion of the premises in question and the petitioner was only charging Rs.500/- per month as fee.

4. The respondent issued a show-cause-notice dated 07.04.2005 on the basis of inspections conducted on 08.01.2001 and 10.02.2005 wherein the allegations of misuse and unauthorised construction were mentioned. The computer institute was stated to be shut down on 17.09.2005 due to administrative reasons. Thereafter, the respondent sent a demand letter to the petitioner raising a demand of Rs.5,20,174/- as damages charges, misuse charges and ground rent. The respondent again sent a letter dated 16.08.2012 whereby the enhanced demand of Rs.9,13,901/- was raised against the petitioner which also included interest. The petitioner had paid a sum of Rs.9,68,521/- to the respondent vide cheque bearing no. 738267 dated 27.06.2013 under protest. The petitioner being aggrieved, filed the present petition.

5. The counsel for the petitioner stated that the petitioner has already closed the computer institute in the year 2005 and has already paid the impugned demand amount of Rs.9,68,521/- to the respondent vide cheque



bearing 738267 dated 27.06.2013 which was raised without affording an opportunity of being heard to the petitioner. It is further stated that the petitioner be given liberty to file a representation to challenge the impugned demand of Rs.9,68,521/- and also to claim the refund of the said amount from the respondent although the said amount has already been paid by the petitioner. It is further stated that the respondent be directed to decide the representation of the petitioner within time bound manner.

6. Accordingly, the present petition along with pending applications, if any, stands disposed of with the liberty to the petitioner to file a representation to raise all the pleas and contentions as stated in the present petition within a period of 04 weeks for impugning the demand of Rs.9,68,521/- which was finally raised vide demand letter dated 03.06.2013 and show-cause-notice dated 07.04.2005 and also to claim the refund of said amount. The respondent is directed to dispose of the representation within a period of 06 weeks on receipt of the representation so filed by the petitioner with a reasoned order and also communicate the same to the petitioner within 02 weeks thereafter.

DR . SUDHIR KUMAR JAIN, J

MAY 17, 2024

N/AM