

CWP-11775-2019 (O&M)

2025 PHHC 184589 DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11775-2019 (O&M)
Date of Decision: 27.11.2025

RAMANDEEP SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Varun Jain, Advocate
for the petitioner.

Mr. Saurabh Kapoor, Addl. A.G., Punjab.

Mr. Harsh Aggarwal, Advocate (through video conferencing)
for respondents Nos.3 and 4 – Corporation.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside order dated Nil (Annexure P-3) regarding Property No. III-1133/18/2, Shivpuri Road, Ludhiana, passed by Assessing Authority, Municipal Corporation, Ludhiana, vide which annual rental value of property has been assessed at ₹1,80,000/- per annum; order/demand notice dated 14.12.2004 (Annexure P-4), claiming house-tax for the years 1995-96 to 2004-05 as well as for setting aside order dated 21.08.2018 (Annexure P-10), passed by Divisional Commissioner, Patiala – respondent no.2 whereby appeal under Section 146 of Punjab Municipal Corporation Act, 1976 (for short, '1976 Act') filed by petitioner has been set aside.

2. Learned counsel for petitioner submits that petitioner is owner of Property No. III-1133/18/2, Shivpuri Road, Ludhiana, comprising of two shops and a hall. Petitioner had been depositing house tax/property tax, however, Assessing Authority vide order dated nil, attached as Annexure P-3 with writ petition, assessed the proposed annual rental value to the tune of ₹1,80,000/- per annum (₹15,000/- per month), for the purpose of house-tax. It is stated that demand notice dated 14.12.2004 (Annexure P-4) was issued while invoking provisions of Section 138(2) of 1976 Act calling upon petitioner to deposit the amount in question, failing which the property would be sold by auction for recovery of dues.

3. It is submitted that petitioner thereafter, filed Civil Suit No.04 dated 18.01.2005, seeking permanent injunction qua respondent – Corporation from recovering disputed house-tax amount for the years 1995-96 to 2004-05. This suit was dismissed on 20.11.2006 under Order 17 Rule 3 CPC. Appeal filed by petitioner was allowed by learned Additional District Judge, Ludhiana, vide order dated 15.12.2007 and the matter remanded before learned trial Court, which vide order dated 10.03.2010 dismissed the civil suit while holding that defendants were entitled to recovery of house-tax on the basis of revised assessment for the year 2000-01 onwards. It was directed that defendants shall adjust the house-tax paid by plaintiff up to the year 1999-2000.

4. Appeal filed by petitioner challenging said judgment dated 10.03.2010 was dismissed by learned District Judge, Ludhiana, on 14.10.2010 while affording liberty to petitioner to challenge impugned demand before the Divisional Commissioner. Accordingly, appeal filed under Section 146 of the Punjab Municipal Corporation Act, 1976 was filed. This appeal was dismissed for want of deposit of necessary house-tax, leading to filing of CWP-3652-2013

(Annexure P-8), which was disposed of on 05.10.2015 (Annexure P-8), whereby order dated 30.10.2012 (Annexure P-7), passed by Divisional Commissioner was set aside while directing that in case an appeal is filed by petitioner alongwith assessed house-tax within one month, same be heard on merits. Needful was done by petitioner. His appeal under Section 146 of the Act, was entertained and ultimately dismissed vide impugned order dated 21.08.2018. Aggrieved therefrom present writ petition was filed.

5. Learned counsel for petitioner vehemently argues that no notice was issued by respondents before assessing rental value nor any opportunity was afforded, therefore, assessment order as well as order dated 14.12.2004 are illegal and arbitrary. Assessment as made is arbitrary without any basis and is too high. Furthermore, appellate authority has passed a totally non-speaking order dated 21.08.2018 without even considering the pleas as raised by petitioner. It is, thus, prayed that this writ petition be allowed, as prayed for.

6. Per contra, learned counsel for respondent-Corporation refuted the arguments as raised on behalf of petitioner and submits that in effect petitioner seeks to evade house tax which is leviable. Property, in dispute, admittedly stands assessed in the name of petitioner. On earlier occasion, notice 30.12.1985 under Section 103(d) of 1976 Act was issued with proposed annual rental value (AVR) of Rs.7800/- per annum and a sum of Rs.702/- per annum as house tax for two shops and a long hall. Proposed assessment was made final by House Tax Assessment Committee vide order dated 10.03.1986 w.e.f. year 1985-86. Petitioner was served with a notice under Section 103(d) of 1976 Act for revision of house tax after about 15 years with proposed AVR of Rs.1,80,000/- per annum with Rs.24,300/- per annum as house tax w.e.f. 2000-2001. This time again, petitioner never filed any objections nor appeared before Assessing

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Authority, therefore, the proposed assessment was finalized by Assessing Authority vide order dated nil, Annexure P3, which was again never challenged by petitioner. As petitioner did not deposit the house tax from the year 1995-96, respondent-Corporation was constrained to initiate proceedings under Sections 137 and 138 of 1976 Act. It is further submitted that notice under Section 137 of 1976 Act was duly served upon petitioner on 07.12.2004, but he did not produce any receipt of deposit of house tax neither he deposited the same. It is in this scenario that attachment order dated 14.12.2004 (Annexure P4) was passed. Civil Suit filed by petitioner was dismissed by learned trial court vide judgment and decree dated 10.03.2010 after recording of evidence and hearing the parties. It was directed that respondent-Corporation shall adjust the house tax paid by petitioner upto the year 1999-2000 and Corporation would be entitled to recover house tax on the basis of revised assessment from the year 2000-2001. While referring to written statement filed on behalf of respondent-Corporation, it is submitted that more than Rs.5,00,000/- was due from petitioner till 2013. The latest position is however not apprised of by learned counsel for the parties. Dismissal of the writ petition is sought by learned counsel for respondent-Corporation.

7. We have heard learned counsel for parties and have perused the file with their able assistance.

8. It is a matter of record that petitioner is the owner of two shops and a hall in the city of Ludhiana at Shivpuri Road. Narration of facts as in the foregoing paras in respect to assessment order dated nil, Annexure P3 and subsequent events are not in dispute and are not being reproduced for the sake of brevity. Learned counsel for petitioner has vehemently argued that assessment of AVR at Rs.1,80,000/- per annum is absolutely an erroneous figure and there is

nothing on record to justify such a high annual rental value. It is pertinent to note at this stage that property in question is informed to have been on rent at the relevant time. This has been so informed by learned counsel. However, there is not a whisper in the writ petition as regards the rent which was being received by petitioner at the time of passing of assessment order dated nil, Annexure P3. Even on pointed query, during the course of arguments, learned counsel for petitioner is evasive and no rental figure was forthcoming. Learned counsel for petitioner was repeatedly called upon to refer to any document on record or even produced in Court to indicate the rental value of the property in question or the surrounding properties, but no such document or information was forthcoming. It is further to be noted that copy of order dated 20.11.2006 passed by learned trial court in the civil suit filed by petitioner is also not on record and neither was it available with learned counsel for petitioner. Order dated 15.12.2007 passed by the learned District Judge is also not on record.

9. In the given factual matrix when the petitioner is unable to even reveal as to how the assessment of Rs.1,80,000/- per annum as Annual Rental Value is unjustified, we do not find it appropriate to remand the matter to Assessing Authority for consideration afresh on the pleas as have been raised before us for challenging the said assessment order.

10. However, we do take notice of the reference to judgment and decree dated 10.03.2010 which had been passed by the Civil Judge (Senior Division), Ludhiana, which is mentioned in the grounds of appeal filed by petitioner, Annexure P5 as well as the written statement filed on behalf of respondent-Corporation in this writ petition, whereby it was directed that respondent shall adjust the house tax as may have been paid by petitioner upto the year 1999-2000 and the Corporation shall be entitled to revised assessment from the year

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2000-2001. This judgment dated 10.03.2010 had never been challenged by the respondent-Corporation. It is considered just and expedient that respondent-Corporation is held entitled to the revised assessment from 2000-2001 i.e., in tune with assessment order, Annexure P3 and not from 1995-96. Ordered accordingly. Impugned orders are, thus, upheld with the said modification.

11. Writ petition is, accordingly, dismissed with abovesaid modification.

12. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(LISA GILL)
JUDGE

(PARMOD GOYAL)
JUDGE

27.11.2025
Sunil/‘om’

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No