



\$~82

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

+ **W.P.(C) 921/2024 and CM APPL. 3823/2024**

VIJENDER SOLANKIPetitioner

Through: Mr. Nishant Solanki, Advocate.

versus

NEW DELHI MUNICIPAL COUNCILRespondent

Through: Mr. Sanjay Sharma and Mr. Dhruv Mohan, Additional Standing Counsels with Mr. Taran Khan, Advocate for NDMC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.02.2025

%

1. This writ petition is filed by the Petitioner seeking a direction to NDMC to bifurcate/segregate and assess the property tax of the Petitioner qua one shop only, i.e. bearing Shop No.197/5, Sarojini Nagar, New Delhi, which is in the name of the Petitioner and accordingly raise the tax demand.
2. After canvassing some arguments, learned counsel for the Petitioner, on instructions, seeks to withdraw the writ petition with liberty to file a comprehensive representation before NDMC raising all factual and legal issues as highlighted in the present writ petition. He also seeks liberty to furnish documents such as General Power of Attorneys executed between Mr. Bal Kishan Arora and Mr. Pal Singh and between Mr. Pal Singh and the Petitioner, to connect the chain. It is also urged that Petitioner has been operating the shop in question since 1995 and therefore, till a decision is taken by NDMC, no coercive action should be taken against the Petitioner.
3. Learned counsel for NDMC submits that the subject property was assessed in the name of Mr. Bal Kishan Arora as per records of NDMC and



not in the name of the Petitioner. The documents on record do not establish that the Petitioner has any title to the subject property and therefore correctly, notice was issued by NDMC under Section 100 of New Delhi Municipal Council Act, 1994.

4. Considering that Petitioner seeks limited relief at this stage for filing a representation with NDMC to establish his title to part of the shop in question and for segregating the said portion for the purpose of property tax, this writ petition is disposed of, without entering into the merits of the case, permitting the Petitioner to file a comprehensive representation with NDMC to establish his case. It will be open to the Petitioner to file relevant documents in his support along with the representation. As and when the representation is received, the same shall be examined in accordance with law. A reasoned and speaking order shall be passed within six weeks from the date of receipt of the representation reflecting the decision of NDMC and will be communicated to the Petitioner within one week from the decision.

5. Considering the fact that Petitioner has been operating from the shop in question since 1995, it is directed that no coercive action will be taken by NDMC till the decision is communicated to the Petitioner and upto a further period of eight weeks, to enable the Petitioner to take recourse to legal remedies, in the event the decision is against him. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. Writ petition along with pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 17, 2025/shivam