



2025:DHC:11153-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 188/2025, CM APPL. 14504/2025, CM APPL. 14505/2025

NEW DELHI MUNICIPAL COUNCIL

.....Appellant

Through: Mr. Yoginder Handoo, ASC alongwith
Mr. Tushar Sannu, ASC and Mr. Fateh
Singh, Advocates for NDMC.

Versus

SH SURINDER BAJAJ & ANR.

.....Respondents

Through: Mr. Dinesh Agnani, Senior Advocate
alongwith Mr. Nikhil Chawla, Ms.
Arshiya Chauhan, Ms. Mansha Mehta
and Ms. Ishita, Advocates.

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Date of Decision: 8th December, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J: (ORAL)

CM APPL. 14506/2025 (Delay)

1. This is an application filed on behalf of applicant/appellant seeking condonation of delay of 11 days in preferring the Letters Patent Appeal.
2. Cause shown is sufficient. The delay of 11 days in preferring the appeal is hereby condoned.
3. Accordingly, the application stands disposed of.

LPA 188/2025, CM APPL. 14504/2025, CM APPL. 14505/2025

4. Present letters patent appeal has been filed impugning the order dated 14.01.2025 (hereinafter referred to as "*impugned order*") passed by the learned Single Judge in W.P.(C) No.12686/2024 titled "*Sh. Surinder Bajaj & Anr. vs. New Delhi Municipal Council*" whereby the underlying writ petition

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was allowed with a direction to appellant to issue an office order in favor of the respondents certifying that they are not liable to pay arrears of property tax in respect of the property bearing nos.301, 302A, 303, 304 and 305 on the third floor of Onkar Deep Building, Connaught Place (hereinafter referred to as “*subject property*”) for the period prior to 26.03.2009 along with “No Dues Certificate” in the name of the respondents.

5. It is the case of the appellant that the respondents herein purchased the subject property *vide* an agreement to sell dated 26.03.2009 from “Jewels India Hotels Private Limited” (Jewels India), under which, it was agreed by Jewels India that it shall be responsible for any dues payable prior to the date of the execution of an agreement to sell. After the execution of an agreement when the respondents approached the appellant for mutation of the subject property, they were informed about the outstanding property tax payable in respect of the subject property for the period up till 2008. It is also the case of the appellant that *vide* Mutation order dated 07/13.09.2010, the respondents were informed that the change in the name/mutation would be effected only after the payment of arrears of the property tax prior to 26.03.2009. *Vide* the same mutation order, they were also informed about the notice dated 30.03.2005 issued under section 72 of the New Delhi Municipal Council Act, 1994 (hereinafter referred to as “*the Act*”) to the Jewels India.

6. It is further the case of the appellant that being aggrieved by the said order, respondents herein filed a suit bearing CS No.122/2014 against the Jewels India and its director, and the appellant. Thereafter, the suit was decreed in favour of the respondents *vide* judgment dated 31.03.2016, directing Jewels India to pay the outstanding dues to the respondents. The said judgment was challenged by the Jewels India by way of an appeal being RFA No.76/2017 wherein the judgment and decree were upheld by this Court

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vide order dated 06.04.2018 with a specific direction to the appellant that it shall not take steps for the recovery of arrears of the property tax from the respondents.

7. Thereafter, the underlying writ petition was filed by the respondents against the appellant to remove the erroneous dues raised for the period prior to 31.03.2009, which was allowed by the learned Single Judge. Being aggrieved by the said order, appellant preferred the instant appeal.

8. Having heard the learned counsel for the parties, and perused the documents on record, we are not inclined to interfere in the instant appeal. The only grievance raised by the appellant in the present appeal is that it cannot be prevented from recovering arrears of property prior to 26.03.2009. This aspect is predicated on the following observations made by the learned Single Judge in paragraph 13, which is extracted hereunder:

“13. Accordingly, this writ petition is disposed of with a direction to NDMC to issue an office order in favour of the Petitioners certifying that Petitioners are not liable to pay arrears of property tax in respect of the subject property for the period prior to 26.03.2009, i.e. the date of execution of agreement to sell between the Petitioners and Jewels India in terms of the aforementioned judicial orders. Office order/certificate shall be issued by NDMC within three weeks from today along with the 'No Dues Certificate' in the name of the Petitioners. Insofar as claim of the Petitioners for vacancy remission is concerned, the same shall be examined and an order shall be passed in this regard within four weeks from today, if not already passed under Section 110 of the NDMC Act, in accordance with law. The order so passed shall be communicated to the Petitioners. In case an order has already been passed, copy will be forwarded to the Petitioners and needless to state that Petitioners will be at liberty to take recourse to legal remedies, if aggrieved. However, if the Petitioners are held entitled to vacancy remission, steps will be taken by NDMC to remit/refund the amounts as due and payable to the Petitioners expeditiously.”

9. It is also pertinent to note that the respondents succeeded in their suit



before the Trial Court, and a Decree passed in their favour directing defendant nos.1 and 2 (i.e. M/s Jewels India) to pay the arrears arising prior to 26.03.2009 to the respondents (i.e. Sh. Surinder Bajaj and Minal Bajaj) to enable these respondents to deposit the same with defendant no.3 (i.e. the appellant). The relevant portion of the decree is extracted hereunder:

“In view of the finding on issues no.2,3 and 4, this suit of the plaintiff is decreed and decree of declaration is passed in favour of the plaintiff and against the defendant no. 1 and 2 that the dues claimed by the defendant no.3/NDMC vide letter/order dated 07-13/09/2010 with respect to the suit property prior to the date of execution of the agreement to sell dated 26.03.2009 is the obligation of the defendant no. 1 and 2 in terms of clause 11 of the agreement to sell dated 26.03.2009 and defendant no. 1 and 2 are directed to pay an amount of Rs. 11,49,393/- to the plaintiffs along with interest at the rate of 9% per annum so that they can pay the same to the defendant no.3. Cost of the suit is also awarded to the plaintiff. Decree sheet be prepared. File be consigned to record room”.

10. The aforesaid judgment and decree dated 31.03.2016 was challenged by M/s Jewels India before this Court in RFA No.76/2017, which was disposed of by the learned Single Judge vide the judgment dated 06.04.2018. Upon perusal of the judgment dated 06.04.2018 passed by the Single Judge in RFA No.76/2017, it is relevant to note that the appellant was prohibited from taking any coercive actions against the respondents, and the same has not been challenged by the appellant till date and became final and binding. The relevant portion of the said judgment is extracted hereunder:

“6. Under these circumstances, it is clear that any liabilities prior to 26th march, 2009 would be that of the defendants. If there is any alleged notice which has been served by NDMC in accordance with law or adjudicated upon, the same shall be open to challenge by the Defendants whose remedies are left open qua the said notice. Insofar as the Plaintiffs are concerned, the dues that are liable to be paid are only those relate to the period subsequent to 26th March, 2009. NDMC shall not take steps for recovery against the Plaintiffs for any alleged dues prior to 26th March, 2009. However, Defendants and NDMC may avail their



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respective remedies in accordance with law, if there is any outstanding notice”.

The modification directed by the learned Single Judge in the appeal had provided adequate redressal of the grievance, if any, of appellant, which the appellant itself failed to undertake. Therefore, it appears that by way of the present appeal the appellant actually seeks to challenge the decree dated 31.03.2016 as also the appellate order dated 06.04.2018, which is not permissible in law.

11. Therefore, there is no substance or any merit in the present appeal, and the same is accordingly dismissed. We only reiterate the directions contained in paragraph 13 of the impugned order. Pending applications also stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

DECEMBER 8, 2025

Kct/rl