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

\+ W.P.(C) 41/2025

DALMIA CEMENTS (BHARAT) LTD .....Petitioner

Through: Mr. Sumit Bansal, Senior Advocate with Ms. Niyati Kohli, Mr. Pratham Vir Agarwal, Mr. Udaivir Singh Kochar, Ms. Samvartika Pathak and Ms. Tulna Rampal, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL .....Respondent

Through: Mr. Yoginder Handoo, ASC with Mr.Ashwin Kataria, Advocates for Respondent/NDMC.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **07.01.2025**

CM APPL.104-105/2025

1. Exemptions allowed, subject to all just exceptions.

2. Applications stand disposed of.

W.P.(C) 41/2025 and CM APPL.103/2025

3. This writ petition has been preferred by the Petitioner laying a challenge to the Demand Notice bearing No. D-6737/Dy.Dir.(Tax)/2024 dated 28.11.2024 as also the property tax bill bearing No.320059 dated 31.05.2024, issued by New Delhi Municipal Council ('NDMC').

4. Case of the Petitioner is that Petitioner is the recorded owner of property bearing No.11th and 12th Floor, Hansalaya Building, Barakhamba

Road, New Delhi and has been depositing the property tax as per the Rateable Value fixed by the Respondent under the New Delhi Municipal Council Act, 1994 ('1994 Act') from 01.04.2009 till 31.03.2022, annually. The Rateable Value of the subject property for all these years did not exceed Rs.80,46,200/-, however, vide notice dated 28.03.2023 under Section 72 of the 1994 Act, Rateable Value was revised to Rs.4,59,00,000/- for the Assessment Year 2022-23, subject to objections and final investigation by the Respondent, which is illegal and arbitrary *albeit* Petitioner had paid an amount of Rs.20,37,490/- towards the property tax which is acknowledged vide receipt dated 12.06.2023.

5. It is averred in the writ petition and argued by Mr. Sumit Bansal, learned Senior Counsel for the Petitioner that reading of notice dated 28.03.2023 reflects that the Rateable Value was provisional and not the annual tax and was to be finally fixed after receipt of objections and further investigation. Petitioner filed the objections on 01.05.2023 but the impugned Demand Notice dated 28.11.2024 indicates that the objections were not considered by the Respondent. It is fairly urged that the notice under Section 72 of the 1994 Act was received by the Petitioner on 17.01.2024 for a personal hearing on 22.01.2024 but due to paucity of time and unavailability of Authorised Representative of the Petitioner, there was no representation on behalf of the Petitioner on 22.01.2024 for personal hearing. Be that as it may, Respondent was obliged to consider the objections before issuing the Demand Notice under Section 100 (1) of the 1994 Act and therefore, the Demand Notice and the impugned tax bill deserve to be quashed.

6. Issue notice.

7. Mr. Yoginder Handoo, learned ASC accepts notice on behalf of the

Respondent/NDMC and on instructions, candidly submits that the objections filed by the Petitioner on 01.05.2023 will be considered and personal hearing shall be granted to the Petitioner, after which a fresh Assessment Order will be issued.

8. Accordingly, without entering into the merits of the case, this writ petition is disposed of quashing the Demand Notice dated 28.11.2024 as also the property tax bill dated 31.05.2024 issued by the Respondent. It is directed that personal hearing shall be granted to the Petitioner on 20.01.2025 at 03:30 P.M. by the Respondent and the objections filed will be considered. Needless to state that the Authorised Representative of the Petitioner and/or counsel will be permitted to attend the personal hearing on behalf of the Petitioner. Respondent shall issue a fresh Assessment Order and consequent demand notice under Section 100(1) of the 1994 Act after the personal hearing and considering the objections filed. In case of any surviving grievance, Petitioner will be at liberty to take recourse to legal remedies.

9. Pending application also stands disposed of.

JYOTI SINGH, J

JANUARY 7, 2025
B.S. Rohella