

CS No.56703/16

M/s. Atma Ram Builders Pvt. Ltd. Vs. M/s. Embassy Restaurant & Anr.

31.08.2017

Present: Shri Amit Sethi and Shri Ishaan Khanna, Ld. Counsel for the plaintiff.
Shri Sanjay Dua and Shri Mohit Paul, Ld. Counsel for the defendant.
Evidence is underway before Ld. LC at the PE stage.

An application is moved on behalf of the defendant under Order 7 Rule 11 CPC relying on the DB judgement of Hon'ble High Court title Association of the Concerned Citizens Vs. NDMC & Ors. whereby vide order dated 10.08.2017 the NDMC (Determination of Annual Rent) Bylaws, 2009 which was implemented by NDMC w.e.f 01.04.2009 has been declared null, void and nonest.

It is submitted that this suit was filed by the plaintiff on the strength of the revised assessment of the Property Tax applicable to the suit property by including the same in the rent so as to breach the cap of Rs.3500/- provided under Section 3(c) of Delhi Rent Control Act. Copy of the application supplied to Id. counsel for the plaintiff. He seeks time to submit reply to the same.

To come up for arguments on the application under Order 7 Rule 11 CPC for **07.11.2017**.

In the meantime, the evidence before Ld. LC be kept in abeyance.

(Surinder S. Rathi)
ADJ-03/PHC/NEW DELHI
31.08.2017