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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5380/2017**
APEX CHAMBER OF COMMERCE &
INDUSTRY OF NCT OF DELHI

..... Petitioner

Through : Mr.J.P.Sengh, Sr Advocate with
Mr.V. K. Tandon, Mr.Manish
Chauhan and Ms.Manisha Mehta,
Advocates.

versus

**NORTH DELHI MUNICIPAL
CORPORATION AND ORS**

..... Respondents

Through : Ms.Madhu Tewatia, Mr.Adhirath
Singh and Mr.Sachin Saini,
Advocates for respondent No.1.
Mr.Anuj Aggarwal, ASC with
Ms.Niti Jain, Advocate for respondent
No.2/GNCTD.
Ms.Zehra Khan, Advocate for
respondent No.3.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **28.06.2017**

CM No.22723/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 5380/2017, CM No.22722/2017

Issue notice.



Learned counsels appearing on behalf of respondent Nos.1 to 3 accepts notice and seeks time to file counter. Let the counter affidavit be filed within four weeks from today. Rejoinder, if any, thereto, be also filed within two weeks thereafter.

This petition is to challenge and set aside the resolution No.456 regarding Budget Estimates for the year 2017-18 issued by respondent No.1 on the ground that the municipal tax valuation committee has not been formed from 2013 till date and hence the respondent has no right to increase tax. Further, he says the objections raised by the petitioner qua the increase in the tax rate have not been looked into.

Learned senior counsel appearing for the petitioner further submits that petitioner had earlier given a representation on 09.05.2016 qua the financial year 2016-17 which was considered and a rebate of 20% was given per office order No.TAX/HQ/A&C/NDMC/2016/798 dated 13.07.2016 issued by respondent No.1, in addition to timely payment rebate of 15% for the last financial year. Hence it is submitted that even in this year as the rate of the property tax is fixed at 15% and since the representation dated 09.06.2017 against it has not been looked into by the respondents, so the rebate earlier given vide office order dated 13.07.2016 be extended to this year too.

However the learned Senior counsel for respondent refers to Section 116 of MCD to elaborate her arguments to say that M.V.C. has no role in fixation of tax.

Nevertheless, learned senior counsel for petitioner, under instructions states that in order to avoid further controversy, the



petitioner is inclined to deposit the tax as imposed by 30.06.2017. Let the tax be deposited as imposed, by 30.06.2017 which shall be subject to outcome of this petition. Further, the representation dated 09.06.2017 of the petitioner be decided by the respondent within a week from today under intimation to the petitioner.

List on 08.08.2017 before Roster Bench.

Order dasti under signature of the Court Master.

YOGESH KHANNA, J
(Vacation Judge)

JUNE 28, 2017

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