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

% *Date of Decision: 15th April, 2026*

+ W.P.(C) 2963/2023, CM APPL. 11554/2023 & CM APPL. 23139/2024

BUNNINDER DEEP SINGH FALAK

.....Petitioner

Through: Mr. Aditya N. Prasad, Mr. Piyush Sharma and Mr. Pratyush Jain, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Mr. Sriharsha Peechara, SC with Mr. Soumit Ganguli and Mr. Akash Sharma, Advs. for NDMC

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (ORAL)

1. Since 14th April, 2026 was declared a Court holiday, the matters listed on 14th April, 2026 are being taken up today, i.e. 15th April, 2026.
2. The present petition has been filed seeking setting aside of the judgment dated 20th September, 2022 passed by the Additional District Judge-02, Patiala House Courts, New Delhi in HTA 78/2017, dismissing the appeal filed by the petitioner under Section 115 of the New Delhi Municipal Council Act, 1994 (hereinafter 'NDMC Act').
3. The aforesaid appeal was filed assailing the assessment order dated 6th December, 2016. In terms of the said assessment order, the late mother of



the petitioner had been directed to pay property tax to the tune of Rs. 14,58,285/- in respect of Flat/property located at *C-5 Marble Arch, Prithvi Raj Road, New Delhi* (hereinafter the 'subject property').

4. A notice dated 19th February, 2004 under Section 72 of the NDMC Act was issued by the respondent/NDMC to the late mother of the petitioner, which was replied by the petitioner's mother *vide* letter dated 16th March, 2004. Thereafter, the petitioner did not receive any communication from the respondent/NDMC.

5. In February 2017, the petitioner came to know that an assessment order has been passed by the respondent/NDMC on 6th December, 2016 and a demand of Rs. 14,58,285/- was raised.

6. The petitioner filed a writ petition being W.P.(C) No. 2839 of 2017 assailing the order dated 6th December, 2016, which was dismissed *vide* order dated 12th May, 2017 and the petitioner was granted liberty to pursue the alternate remedy of filing an appeal under Section 115 of the NDMC Act.

7. Accordingly, an appeal was preferred by the petitioner on 21st July, 2017, which was dismissed *vide* the impugned judgement on the ground that the impugned assessment order has been passed after taking into consideration all the objections raised by the appellant/petitioner. Further, the contention of the petitioner that there was time gap between the issuance of notice under Section 72 of the NDMC Act and passing of impugned assessment order, was not accepted as the NDMC Act does not prescribe any period of limitation to act upon such notice and revision of rateable value.

8. Aggrieved by the same, the petitioner filed the present writ petition.



9. Counsel for the petitioner relies upon the judgment of the Division Bench in *Ved Marwah v. New Delhi Municipal Council (NDMC) and Ors.*, 2018 SCC OnLine Del 8096.

10. In *Ved Marwah* (supra), the notices under Section 72 of the NDMC Act were issued as far back as 11th February, 2002 and the assessment order was passed on 31st October, 2017. The contention of the petitioner in *Ved Marwah* (supra) was noted in paragraph 5 of the judgment, which is set out below:

“5. All the petitioners complain that the completion of assessment proceeding or the revision of the assessment lists, after an inordinate period renders the exercise of power unreasonable. It is urged that the assessing officers do not have the power to adjudicate upon issues that are in fact stale or conclude proceedings after an inordinate delay in such a way as to result in manifold liability on the part of the property owners which they would be unprepared to bear. According to the petitioners, the assessments pursuant to any given notice - either proposing a first-time assessment of any property or revision of the existing rateable value is to be completed within a reasonable period of not more than 3 years failing which the NDMC ceases to have any power to adjudicate upon such notices which should be considered stale.

[Emphasis supplied]

11. After discussing various precedents, the Division Bench in *Ved Marwah* (supra) quashed the assessment order on the ground that it was passed after an inordinate delay of 12 years and it was held that the finalization of assessment list or its revision would result in an unreasonable and arbitrary exercise of power. The relevant observations of the Division Bench are set out below:

15. In the present case, the finalization of assessment list or its revision, after over 12 years in all the cases, cannot be countenanced. It is clearly unreasonable and arbitrary and calls for interference.



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18. In view of the above reasoning, it is held the impugned final orders of assessment and the demands issued are clearly unreasonable and void. They are hereby quashed. Consequently, it is held that the NDMC is at liberty to rework the assessments in respect of the properties that are the subject matter of these proceedings, by issuing fresh notices for the periods commencing from 3 years prior to the date on which the final notices were issued, and finalize the assessments within reasonable time. In the event of grievance on the part of the assessee to such fresh assessment orders, it is open to them to approach the appellate tribunal; provided they deposit the amount towards the tax liability for the base year.

[Emphasis supplied]

12. The SLP filed by NDMC against ***Ved Marwah*** (supra) was dismissed by the Supreme Court in SLP(C) No. 025398/2018 *vide* order 1st August, 2023.

13. The judgment in ***Ved Marwah*** (supra) was followed by a Coordinate Bench by this Court on 7th August, 2025 in CM(M) 255/2023 titled as ***Bela Dalmia & Anr. v. New Delhi Municipal Council***. The facts of the ***Bela Dalmia*** (supra) are similar to the facts of the present case. In ***Bela Dalmia*** (supra), notice under Section 72 of the NDMC Act was issued on 25th February, 2002 and the assessment order was passed on 12th January, 2016, after a delay of 14 years. Relying upon ***Ved Marwah*** (supra), the Coordinate Bench quashed the said assessment order dated 12th January, 2016.

14. In the present case also, notice under Section 72 of the NDMC Act was issued to the petitioner on 19th February, 2004 which was duly replied by the petitioner on 16th March, 2004. Thereafter, the assessment order was passed, after an inordinate delay of almost 12 years, on 6th December, 2016. From the record, it is evident that the aforesaid delay is solely attributable to NDMC.



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15. Therefore, the dicta of *Ved Marwah* (supra) is squarely applicable in the present case. The impugned order fails to take into account the judgment of the Division Bench in *Ved Marwah* (supra) and is hence erroneous. Accordingly, the impugned judgment dated 20th September, 2022 is set aside.

16. Consequently, the impugned assessment order and the property tax bill(s) issued consequent thereto, are hereby quashed.

17. After giving due opportunity to the petitioners, NDMC would be at liberty to rework the assessment by issuing fresh notices for the period commencing from three (3) years prior to the date on which the assessment order was passed and finalise the assessment in an expeditious manner.

18. The writ petition along with pending application(s) is disposed of.

AMIT BANSAL, J

APRIL 15, 2026
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