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

Date of Decision: 28th August, 2025

+ **W.P.(C) 15001/2023, CM APPL. 59924/2023 & CM APPL. 45172/2025**

VIKRAM MALHOTRA AND ANRPetitioners
Through: Ms. Diya Kapur, Senior Adv. with Mr.
Raghav Kumar and Mr. Aditya Ladha,
Advs.

versus

MUNICIPAL CORPORATION OF DELHI
AND ORSRespondents
Through: Ms. Sunieta Ojha, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.
2. The Petitioners have filed this Petition challenging various demands raised by the Municipal Corporation of Delhi (*hereinafter, 'MCD'*) towards property tax in respect of Farm House No. 31, Deramandi Road bearing Khasra Nos.75/11,20,21 at Village Deramandi, New Delhi (*hereinafter, 'the farm house'*).
3. The demand in terms of the said communication dated 10th October, 2023 was to the tune of Rs.29,55,616/- which includes principal amount of Rs.18,36,616/- and interest of Rs.11,19,000/-.
4. The demand was based on an assessment carried out by the MCD



under Section 123D of the Delhi Municipal Corporation (Amendment) Act, 2003.

5. The legal issue that has been raised in this matter is with respect to the manner in which the property tax is to be determined, based upon the vacant land in farm houses. This issue is pending in a batch of writ petitions before this Court, including *W.P.(C) 3264/2024* titled *Libra Buildwell LLP vs. Municipal Corporation of Delhi and Anr.* where submissions have already been heard in part.

6. In the meantime, the MCD has launched a one-time property tax amnesty scheme known as **“SumpattikarNiptaan Yojana” (hereinafter, SUNIYO scheme)** on 2nd June, 2025. The salient features of the said scheme are as under:

(a) On Payment of Principal amount of property tax for the current year 2025-26 & previous five (5) years (i.e. FY 2025-26 + FYs 2020-21 to 2024-25), all the previous dues prior to the FY 2020-21 including interest and penalty will stand waived off.

(b) The taxpayer has to file online PTR by accessing the link for the purpose at <https://mcdonline.nic.in/ptrmcd/web/citizen/info>

(c) The owners/occupiers having multiple UPIC numbers for the same property may get their multiple UPIC numbers merged by accessing the aforesaid link.

(d) There shall be a helpline number +91-7065064988 in MCD to facilitate the taxpayers.

(e) Taxpayer shall have to upload the proof of previous payment receipts for the period from FY 2020-21, if any, alongwith other documents. In order to facilitate the taxpayers, MCD is publishing the details of property tax paid in public domain.

(f) On successful submission of an application and payment of dues under the scheme, a tax receipt will get auto



generated indicating the payment made and will be available to the tax payer for download.

(g) In case of Government & Railway Properties (GRP), PSU/Autonomous bodies etc. who wish to avail the benefits of the Scheme, payment shall be accepted through online mode like RTGS/NEFT as well as through demand draft. The demand draft shall be in favour of "Commissioner, MCD" payable at New Delhi. The payment for depositing the property tax for other categories, except Government & Railway Properties (GRP), PSU/Autonomous bodies etc. shall be through online mode only.

(h) The taxpayers, whose case(s) are pending under litigation in any court i.e. Municipal Taxation Tribunal/District Court/High Court/Supreme Court etc., and want to avail benefits of this scheme, have to file a written undertaking (Specimen is at Annex-A) that the taxpayer will withdraw the court case pending in any court and shall agree to the terms and conditions of the SUNIYO 2025-26 Scheme.

(i) The taxpayers may rectify their wrong SAPTR within two months or upto the closure of the Scheme, whichever is earlier, without any interest & penalty.

(j) The department will carry out scrutiny from 01-04-2026 to 31-03-2027 of the SAPTRs filed under the scheme and if there is any underpayment, the taxpayer shall be liable to pay all the difference liability under the scheme, alongwith 30% penalty.

(k) Tax payer will be eligible for issuance of credit note for subsequent years against excess amount paid, if any, during the scheme.

(l) The cases where principal, interest and penalty has already been paid and settled shall not be reopened.

(m) Wide publicity of the scheme shall be ensured through various means.

(n) The benefits of the scheme will be available to only those taxpayer who settle their tax dues in terms of the Scheme. In case, a taxpayer fails to settle his/her tax dues in terms of this Scheme, he/she will be liable to pay all tax dues



alongwith interest and penalty. Besides, coercive measures like attachment of immovable properties/bank attachment, rent attachment; prosecution etc. under the provisions of DMC Act, 1957 (as amended) to recover tax dues will be initiated against such defaulters.

(o) The Scheme shall come into force w.e.f. 01.06.2025 and remains valid upto 30.09.2026.

7. The Petitioners herein are inclined to avail of the benefit under the SUNIYO scheme which is in operation till 30th September, 2026.

8. The submissions of Ms. Diya Kapur, Id. Sr. Counsel for the Petitioner, is that *vide* order dated 23rd November, 2023 read with order dated 12th December, 2023, 25% of the principal amount was directed to be deposited with the MCD. The said order dated 23rd November, 2023 reads as under:

4. The fact that the issues raised in the instant writ petition are also the subject matter of other writ petitions is not disputed by Ms Sunieta Ojha, learned counsel, who appears on behalf of respondent no.1/MCD, i.e., the contesting respondent.

4.1 It is also not in dispute that interim orders have been passed in most of the connected writ petitions that are referred to hereinabove, whereby, a direction has been issued to the petitioners to deposit 25% of the balance tax assessed [excluding self-assessed tax], without interest.

5. Furthermore, it has also been indicated in the interim order dated 09.04.2013, in W.P.(C) No. 2252/2013, that if excess amount is found deposited by the petitioner, the amount would be refunded to the petitioner, with appropriate interest, after examination by the court.

5.1 Needless to add, the refund would arise if the petitioner succeeds in the matter.”

9. The subsequent order dated 12th December, 2023 reads as under:-



“4. List the matter on 10.01.2024, before the concerned Registrar for completion of pleadings and compliance of all directions contained in the order dated 23.11.2023.

5. Furthermore, it is clarified that 25% of the balance tax assessed [excluding self-assessed tax], without interest, as indicated in our order dated 23.11.2023, will be deposited with respondent no. 1/MCD, within two(2) weeks from today.

6. Upon fulfillment of the aforementioned condition, no coercive measures will be taken against the petitioners, till further orders of the court.

7. It is also made clear that directions contained in paragraph 5 of the order dated 23.11.2023 will continue to operate.”

10. The principal amount being Rs.18,36,616/-, the Petitioner had deposited a sum of Rs.4,59,154/- with the MCD which is still lying deposited.

11. The question that arises before this Court is as to what would be the amount which would be liable to be paid in terms of clause ‘a’ of the SUNIYO scheme and whether the adjustment of the amount of Rs.4,59,154/- is to be given or not.

12. Ms. Diya Kapur, Id. Sr. Counsel submits that the adjustment of the amount ought to be given, as the SUNIYO scheme in effect only requires payment of principal amount for the previous five years and waiver of all earlier dues and penalty.

13. Ms. Sunieta Ojha, Id. Counsel for the Respondent submits however that in terms of clause ‘1’, any principal, interest and penalty already paid and settled shall not be reopened.

14. The Court has considered the contentions of both parties. A perusal of



the SUNIYO scheme would show that the purpose of the scheme is to offer amnesty to property owners who can settle their property tax with the MCD, once and for all.

15. In terms thereof, it is provided that if the principal amount is paid for the current year i.e., 2025-26 and for the previous five years, all other dues prior to 2020-21 would stand waived off.

16. The Petitioner's application, being *CM No. 47152/2025* prays that the Petitioner may be permitted to withdraw the present writ and a refund of the amount deposited by the Petitioner i.e. Rs.4,59,154/-, along with appropriate interest may be granted to the Petitioner, as the Petitioner wishes to avail of the benefits of the Scheme.

17. In response to this application, the MCD has taken the following position:

- i. That as per clause (e) of the SUNIYO scheme, the taxpayers are directed to upload the proof of previous payment receipts for the period from FY 2020-21, if any, along with other documents.
- ii. That the Assessment & Collection Department, Municipal Corporation of Delhi has tentatively calculated the payments made by the Applicant/Petitioner till date against the subject property which shows that as on today, the Applicant is required to pay a sum of Rs. 7,37,205/-if they want to settle their dues under SUNIYO scheme. The said amount has been reached upon after the adjustment of Rs. 2,16,702/- (25% of total principal amount w.e.f. 2020-21 to 2023-24) out of Rs. 4,59,154/-. Hence, no question as to refund, let alone refund with interest arises with respect to the Applicant.



iii. The calculation sheet as arrived under SUNIYO scheme by the MCD is reproduced as under:-

S. No	Financial year	Annual Value	Current Demand	Property tax received	Balance
1	2020-21	1428690	285738 + 14287 (Edu. Cess) =3,00,025/-	257164 (with 15% statutory rebate of current demand on advance payment +1% Edu. Cess on Annual Value)	00
2	2021-22	1428690	285738 + 14287 (Edu. Cess) =3,00,025/-	82850	217175
3	2022-23	1428690	285738 + 14287 = 3,00,025/- (Edu. Cess)	79167	220858
4	2023-24	1691730	3,38,346 +3383 (Edu. Cess) = 3,41,729	83792	257937
5	2024-25	1691730	3,38,346 +3383 (Edu. Cess) = 3,41,729	83792	257937
6	2025-26	1691730	3,38,346 +3383 (Edu. Cess) = 3,41,729	307895 (with 10% statutory rebate on advance payment +1% Edu. Cess on Annual Tax)	00
Total outstanding Dues (Under SUNIYO Scheme)					9,53,907/-
Less Rs.2,16,702/- (25% of total principal amount w.e.f. 2020-21 to 2023-24) out of Rs. 459154 (paid as per court order)					2,16,702/-
Actual outstanding liabilities as on date (under SUNIYO Scheme)					7,37,205/-

18. The amounts which were demanded from the Petitioners for the property tax for the years 2004-05 till 2023-24 had various components:

Tax:	Rs.33,14,493/-
Paid tax:	Rs.12,63,740/-
Dues:	Rs.18,36,616/-
Interest:	Rs.11,19,000/-



Total: Rs.29,55,616/-

19. It was this demand that was challenged before this Court wherein the order was passed, directing the deposit of 25% of the principal amount. The said deposit was merely as a condition for grant of interim relief and nothing more. Thus, the said deposit would not constitute a settled principal amount which was deposited in terms of clause '1' of the scheme.

20. The amount which would be covered by clause '1' of the SUNIYO scheme would be Rs.12,63,740/- which was deposited by the Petitioner on their own.

21. Accordingly, the stand of the MCD that no adjustment would be given for the entire amount but only for the amount of Rs.2,16,702/- would not be tenable, especially, because the legal issues which have been raised in this writ petition and the matters in the said batch are yet to be adjudicated.

22. Since the Petitioner now wishes to withdraw the writ petition and bring an end to the challenge which was raised, the adjustment would have to be given for the entire amount of Rs.4,59,154/-.

23. This Court is also conscious of the fact that MCD may have earned some interest, however no adjustment thereof is being directed.

24. After hearing the submissions of Id. Counsels for the parties and after perusing the SUNIYO scheme, it becomes clear that in order to avail the benefits under the SUNIYO scheme, the following amounts would be required to be paid:

- i) *Principal amount of property tax for the year 2025-26;*
- ii) *Principal amount of property tax for the previous five years i.e., from 2021 to 2024-25.*

25. Upon the payment of the above amounts, there shall be complete



waiver of all dues prior to 2020-21 including interest and penalty. Further, the Scheme clarifies in Clause '1' that whichever amounts have been paid earlier and settled, the same would not be re-opened.

26. Therefore, in the facts and circumstances of this case, the amount payable would be a sum of Rs.8,96,785/- minus Rs.4,59,154/- *qua* which adjustment has to be given. Thus, the total amount payable would be Rs.4,37,631/-. No adjustment would be liable to be given in respect of the payment of Rs.12,63,740/-.

27. If the said amount i.e. Rs.4,37,631/- is paid by 30th September, 2025, the Petitioner shall be entitled to the benefit of the SUNIYO Scheme.

28. It is however made clear that this amount which is now being deposited under the SUNIYO Scheme would not be liable to be refunded irrespective of the decision in the batch of writ petitions pending before this Court where the provision has been challenged.

29. It is made clear that this order shall not operate as a precedent for other cases under the SUNIYO Scheme, as the amount for which adjustment is being given, was deposited by the Petitioner under an interim order of this Court.

30. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

AUGUST 28, 2025/kp/ss