


Sr. No.	Date	Orders
		<p>30-4-2003</p> <p>Present : Mr. Kirti Uppal with Ms. Anamika Ghai, Advocate for the petitioner. Mr. Rajan Sabharwal, Advocate for the respondents. Mr. Bankey Bihari Sharma for DDA.</p> <p>+ CW 1769/2001</p> <p>Learned counsel for the petitioner, by reference to the impugned order dated 18th January 2001, points out that while dealing with the submission of the learned counsel for the petitioner on the issue of applicability of the judgment in <u>Dr. Balbir Singh & Ors. v. MCD & Ors.</u>, 1985 (2) SCR 439, it was held that the same would not apply in view of the amendment to the Delhi Rent Control Act in 1988.</p> <p>This conclusion cannot be sustained in view of the judgment in <u>Lt. Colonel P.R. Chaudhary (Retd.) etc. v. MCD & Ors.</u>, (2000) 4 SCC 577 = 85 (2000) DLT 223 and <u>M.C.D. v. Dhunishaw Framroz Daruwala</u>, 100 (2002) DLT 679.</p> <p>Consequently, the impugned assessment order and demand notice are set aside and the matter is remanded back to the assessing authority to re-determine the rateable value in accordance with law.</p> <p>The petitioner to appear before assessing authority on 26th May 2003 at 3.00 PM for further proceedings and the assessing authority shall pass a fresh assessment order within a maximum period of three months from the said date.</p> <p>The petition is disposed of in the above-said terms.</p> <p>April 30, 2003 gg</p> <p style="text-align: right;">  SANJAY KISHAN KAUL, J. </p> <p style="text-align: center;"> <i>from CM 13506102 for direction</i> </p>

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