## OFFICE OF ESTATE OFFICER, PRAGATI MAIDAN, NEW DELHI

In the matter of:

India Trade Promotion Organisation

....Petitioner

Vs.

M/s. Palace Restaurant

...Respondent

Present: Mr. Ayush Kapur, Counsel a.w. Ms. Sunita Kamboj,
DM/AR and Mr. Lovenish Kr. Chadha, AM on behalf of
petitioner

Mr. Vinayak Marwah, Counsel on behalf of respondent

In reply to the specific explanation sought on the last date of hearing on the observations of Ld. Distt. Judge Order dated 18.9.2021 and which was also reiterated by Principal Distt. & Sessions Judge in its order dated 28.2.2024 with respect to raising of demand while the first Recovery Petition was filed for the amount for the period 1.4.2004 to 10.6.2011, Ld. Counsel for the petitioner mentioned that 1st Recovery Petition was filed in August, 2009 for an amount of Rs.24 lacs (aprx.) for different cause of actions and for limited aspects and the property tax component was not there. Ld. Counsel for the petitioner further mentioned that when the Unit Area Method was introduced and rates were revised/increased by MCD in 2008 with retrospective effect from 1.4.2004 and discussions were going on with MCD and the same attained finality only in 2009. That is why, demand for the period 1.4.2004 to 10.6.2011 towards property tax was not made when the 1st Recovery Petition was filed in August, 2009. Ld. Counsel for the petitioner further mentioned that when the 2<sup>nd</sup> Recovery Petition was filed in 2012, demand towards property tax component was made, besides other heads and the demands were being raised with revised rate since the respondent was in possession of the premises till June, 2011.

Now, with the above explanation of the petitioner, and after having evidence from MCD & cross-examination of the witness from MCD with respect to property tax issue, the matter is reserved for orders.

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Estate Officer 13.08.2024

File No.139/EST/2014