

Ex No.88/08

New No.1625/19

28.07.2020

The present matter has been taken up for hearing by way of video conferencing on account of lockdown due to Covid-19.

Present : None for the decree holders.

Mr. Ram Kumar, Ld. Counsel for judgment debtor no. 1

Mr. Sanjay Poddar, Ld. Senior Advocate with Ms. Pooja Kalra, Ld. Counsels for judgment debtor no.2 alongwith Mr.V.K. Mantoo, Deputy Law Officer, North MCD


Mr. Ram Singh Parte from Ward 52(4), New Delhi, Income Tax Department

Mr. Manmohan Singh Bisht from Ward 4(2), Income Tax Department

1. Show cause notice has been served upon the Principle Chief Commissioner. On his behalf, the aforementioned officers from the Income Tax Department have e-mailed the replies to the show cause notice to the Court. They have stated that the Income Tax Department has undergone re-structuring twice. They have stated that all efforts have been made to trace the record of the assessment years 2000-01 and 2001-02. However, these old records could not be traced.
2. Ld. Senior Advocate appearing on behalf of judgment debtor no. 2 submits that whatever record has been submitted by the Income Tax Department is sufficient to proceed further with the present enquiry. He requests that the Income Tax Officers be discharged.



3. Record is perused. In view of the submission of the Ld. Senior Advocate appearing for judgment debtor no. 2, the aforementioned officers and the Principal Chief Commissioner are discharged.
4. It is submitted on behalf of judgment debtor no. 2 that the notices issued in pursuance of the order passed on the last date of hearing could not be served on the occupants of parts of plots no. 1 and 3. He states that the official of the judgment debtor no. 2 who had gone to the premises to serve the summons was manhandled and therefore, the summons were sent to the occupants by post.
5. In the report of the Local Commissioner, the amount of rent in shops no. 4, 5, 47 and 70 in plots no. 1 and 3 has been disclosed. However, since the Court noticed that the area of plots no. 1 and 3 as disclosed in the report of the Local Commissioner is different from the area of these plots as disclosed by the decree holders, this Court deemed it fit to issue notices to the occupants of these shops with the purpose of ascertaining the correct area of these shops. However, nothing has been heard by the Court from these occupants.
6. It is necessary to ascertain the area given under the tenancy in these shops so that the rate of rent in plots no. 1 and 3 can be determined. As such, the Court grants an opportunity to the decree holders to disclose the area of shops number 4, 5, 47 and 70, failing which, the Court will calculate the area using the dimensions mentioned in the site plan filed by the Local Commissioner, which will be presumed to be correct. The decree holders are directed to disclose the area of these shops given under tenancy to the occupants, by the next date of hearing. It is clarified that these shops have been given numbers by the Local Commissioner only for the purpose of identification.



7. Certain clarifications on the Court queries on which order was reserved by the Court on the last date of hearing, is sought from the Ld. Senior Advocate appearing on behalf of judgment debtor no.2. Arguments addressed by him are heard. He submits that he wishes to provide citations of certain judgments for the assistance of the Court. He states that he will either have the citations e-mailed to the Court or send it on WhatsApp to the Court staff.
8. To come up for pronouncement of order on the Court questions and for further proceedings on 05.08.2020 at 02:00 PM.
9. The Ahlmad is directed to immediately send copy of this order and details required for joining court proceedings through video conference on the next date of hearing, to the learned Counsels for the parties.



(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
28.07.2020

M.No.47/19

New No.751/20

28.07.2020

The present matter has been taken up for hearing by way of video conferencing on account of lockdown due to Covid-19.

Present : None for the decree holders.

Mr. Ram Kumar, Ld. Counsel for judgment debtor no. 1

Mr. Sanjay Poddar, Ld. Senior Advocate with Ms. Pooja Kalra, Ld. Counsels for judgment debtor no.2 alongwith Mr.V.K. Mantoo, Deputy Law Officer, North MCD

Mr. Ram Singh Parte from Ward 52(4), New Delhi, Income Tax Department

Mr. Manmohan Singh Bisht from Ward 4(2), Income Tax Department

To come up alongwith connected case on 05.08.2020 at 02:00 PM.

SHIRISH

AGGARWAL

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SHIRISH AGGARWAL

Date: 2020.07.28
16:31:45 +05'30'

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
28.07.2020