

into account in the opening balance entered in the budget estimates of any of the next two following years, the Standing Committee ¹[***] ²[***] may sanction the expenditure of such budget-grant or the unexpended portion thereof during the next two following years for the completion of the purpose or object for which the budget-grant was originally made and not for any other purpose or object.

CHAPTER VIII

TAXATION

Levy of taxes

113. Taxes to be imposed by the Corporation under this Act.—(1) The Corporation shall, for the purposes of this Act, levy the following taxes, namely:—

- (a) property taxes;
- (b) a tax on vehicles and animals;
- (c) a theatre-tax;
- (d) a tax on advertisements other than advertisements published in the newspapers;
- (e) a duty on the transfer of property; and
- ³[(f) a tax on buildings applications payable along with the application for sanction of the building plan.]

(2) In addition to the taxes specified in sub-section (1), the Corporation may, for the purposes of this Act, levy any of the following taxes, namely:—

- (a) an education cess;
- (b) a local rate on land revenues;
- (c) a tax on professions, trades callings and employments;
- (d) a tax on the consumption, ⁴[sale or supply] of electricity;
- (e) a betterment tax on the increase in urban land values caused by the execution of any development or improvement work;
- (f) a tax on boats; and
- (g) tolls.

(3) The taxes specified in sub-section (1) and sub-section (2) shall be levied, assessed and collected in accordance with the provisions of this Act and the bye-laws made thereunder.

⁵[*Explanation.*—In this Chapter, "person" shall, unless the context otherwise requires, include a company, a society registered under any law for the time being in force, an association of individuals, a partnership, and a Hindu Undivided Family.]

1. The words "or the Delhi Transport Committee" omitted by Act 71 of 1971, sec. 7 and Sch. II (w.r.e.f. 3-11-1971).

2. Certain words omitted by Act 67 of 1993, sec. 80 (w.e.f. 1-10-1993).

3. Subs. by Delhi Act 7 of 2004, sec. 3, for clause (f) (w.e.f. 17-12-2004). clause (f), before substitution, stood as under:

"(f) a tax on buildings payable along with the application for sanction of the building plan."

4. Subs. by Act 42 of 1961, sec. 7, for "or sale" (w.e.f. 12-9-1961).

5. Ins. by Delhi Act 6 of 2003, sec. 4 (w.e.f. 1-8-2003).

COMMENTS

(i) The Airport authority became the owner of the properties and other assets by virtue of the promulgation of the International Airport Authority Act, 1971, which till then vested in the Central Government. Therefore, the authority being the owner of the properties and other assets, is assessable to property tax and the Delhi Municipal Corporation is entitled to levy and realise taxes from the former under section 113 of the Act; *International Airport Authority of India v. Municipal Corporation of Delhi*, AIR 1991 Del 302.

(ii) Property tax is measured in terms of the rent received or receivable from the property. The Supreme Court has now held that standard rent as fixed under the Delhi Rent Control Act is the only basis for levying the property tax. Thus it is the beneficial enjoyment of the property which is subjected to taxation under the Act and not merely the physical presence of a corporeal thing. To put it differently, it can be said that for the purposes of property tax the nexus is functional and not physical or merely territorial; *Man Mohan Tuli v. Municipal Corporation of Delhi*, AIR 1983 Del 152.

Property taxes

¹[114. **Components of property tax.**—Save as otherwise provided in this Act, the property taxes shall be levied on lands and buildings in Delhi and shall consist of the following, namely:—

- (a) a building tax, and
- (b) a vacant land tax.]

²[114A. **Building tax.**—For any building, the building tax shall be equal to the rate of building tax as may be prescribed by the Corporation under section 114D multiplied by the annual value of the covered space of building determined under sub-section (1) of section 116E or section 116F.]

²[114B. **Rebate for senior citizens, women and physically challenged persons.**—In the case of any self-occupied residential building singly owned by a man who is sixty-five years or more in age or by a woman irrespective of her age or a physically challenged person as may be defined in the bye-laws, irrespective of age, or jointly owned by any of these categories, the Corporation may specify a rebate on the building tax not exceeding thirty per cent. of the tax due on the covered space of such building upto one hundred square metres of the covered space:

Provided that such rebate shall not be available for more than one residential building within the jurisdiction of the National Capital Territory of Delhi.]

²[114C. **Vacant land tax.**—The vacant land tax in respect of any premises shall be equal to the rate of vacant land tax as may be specified by the Corporation under section 114E multiplied by the annual value of the vacant land determined under sub-section (3) of section 116E:

Provided that where there is any construction of the land and the area of plinth of such building is in excess of such percentage of the area of the plot, as may be prescribed in the bye-laws, no vacant land tax shall be levied.]

²[114D. **Rate of building tax.**—Save as otherwise provided in this Act, the base rate of property tax on buildings in Delhi shall be between a minimum of

1. Subs. by Delhi Act 6 of 2003, sec. 5, for section 114 (w.e.f 1-8-2003) (See Annexe).

2. Ins. by Delhi Act 6 of 2003, sec. 6 (w.e.f 1-8-2003).

six per cent. and a maximum of twenty per cent. of the annual values of such buildings as may be specified by the Corporation from time to time:

Provided that the Corporation may, at any time, prescribe fixed rates between the minimum and the maximum rates of tax as aforesaid for different colonies or for different groups of buildings in such colonies:

Provided further that the Corporation may also introduce graduated rates of tax within the minimum and the maximum rates of tax as aforesaid on the basis of straight line system or any other system as may be specified by the Corporation.

Explanation.—"Straight line system" shall mean the system in which the rate of tax is equivalent to the annual value of a property (X) divided by the minimum annual value (X1) and Y being added to the quotient so arrived, Y being the difference between the maximum rate of tax and the quotient of maximum (X2) and minimum (X1) annual values.]

¹[114E. **Rate of vacant land tax.**—Save as otherwise provided in this Act, the rate of tax on vacant lands in Delhi shall be between a minimum of six per cent. and a maximum of twenty per cent. of the annual value of such lands as may be specified by the Corporation from time to time:

Provided that the Corporation may, at any time, specify fixed rates between the minimum and the maximum rates of tax as aforesaid for different colonies or for different groups of vacant lands in such colonies:

Provided further that the Corporation may also introduce graduated rates of tax within the minimum and the maximum rates of tax as aforesaid on the basis of straight line system or any other system as may be specified by the Corporation.

Explanation.—"Straight line system" shall have the same meaning as in the Explanation to the second proviso to section 114D.]

²[115. **Exemption of vacant lands and buildings from property tax.**—(1) Save as otherwise provided in this Act, property tax shall be levied on all vacant lands and buildings in Delhi except—

- (i) vacant lands and buildings (other than dwelling houses) exclusively used for agricultural purposes in accordance with the guidelines prescribed in the bye-laws;
- (ii) any vacant land or building included in any village *abadi*, which is occupied for residential purpose by any original owner or his legal heir, subject to a maximum of one hundred square metres of covered space;
- (iii) vacant lands or buildings or portions thereof, exclusively used for the purpose of public worship;
- (iv) vacant land or buildings or portions thereof, exclusively occupied and used, with the approval of the Corporation, for the purpose of public charity as may be specified in the bye-laws or for the purpose of medical relief to, or education of the poor, free of charge;

1. Ins. by Delhi Act 6 of 2003, sec. 6 (w.e.f 1-8-2003).

2. Subs. by Delhi Act 6 of 2003, sec. 7, for section 115 (w.e.f 1-8-2003) (See Annexure).

- (v) vacant lands or buildings exclusively used for the purpose of public burial or as cremation ground, or any other place used for the disposal of the dead, duly registered under this Act;
- (vi) such heritage lands or buildings as are specifically notified for exemption by the Corporation as also such premises as are so specified by the Archaeological Survey of India;
- (vii) vacant lands and buildings owned exclusively by war widows, gallantry award winners in Defence Forces, Police and Para-military Forces as also civilians who have received bravery awards of the highest order from the Government including Annual Bravery Awards given by the President:

Provided that the exemption shall be subject to the condition that—

- (a) the premises in question is in self-occupation for residential use and no portion thereof is let out for any purposes, whatsoever;
 - (b) in case the person concerned has more than one property in Delhi, the exemption shall be applicable to only one property which is permanently used for self-residence;
 - (c) the benefit of exemption shall be limited to the life-time of the person concerned, except where the award has been granted posthumously, in which case the exemption will be granted to the widow of the gallantry award winner.
- (viii) vacant lands and buildings owned by, or vested in, the Corporation but not leased out or rented out, and in respect of which the property tax, if levied, would, under the provisions of this Act, be leviable primarily on the Corporation.

Explanation.—For the purpose of clause (iii), no portion of any vacant land building where any trade or business is carried on, or which is used for residential purpose, or in respect of which any rent or income is derived, shall be deemed not to be exclusively used for public worship and such portion of such vacant land or building shall be assessed as a separate unit of assessment.

(2) The Commissioner shall cause to be maintained a register showing separately the vacant lands and buildings exempted from the property tax under sub-section (1) in such form as may be specified by the Corporation, and such register shall be open to the public for inspection.

(3) The Corporation may levy on such vacant lands and covered space of buildings as are exempt from the property tax, service charge on such scale, as may be provided under this Act or as prescribed by the Corporation:

Provided that the service charge so levied shall not be less than seventy five per cent. of the amount that would have been payable as property tax for the covered space of the building or the vacant land as referred to in section 114D or section 114E.]

¹[115A. Unit of assessment.—(1) Every building and every vacant land shall be assessed as a single unit:

Provided that where portions of any building or vacant land are separately owned so as to be entirely independent and capable of separate enjoyment,

1. Subs. by Delhi Act 6 of 2003, sec. 7, for section 115 (w.e.f 1-8-2003).

notwithstanding the fact that access to such separate portions is made through a common passage or a common stair-case, as the case may be, such separately owned portions may be assessed separately.

(2) All buildings, to the extent they are contiguous or are within the same cartilage or are on the same foundation and are owned by the same owner or co-owners as an undivided property, shall be treated as one unit for the purpose of assessment under this Act:

Provided that if any such building is sub-divided into separate shares which are not entirely independent and capable of separate enjoyment, the Commissioner may, on application from the owners or the co-owners, apportion the valuation and assessment of such building among the co-owners according to the value of their respective shares treating the entire building as a single unit.

(3) Each residential unit with its percentage of the undivided interest in the common areas and facilities, constructed or purchased and owned by, or under the control of, any housing co-operative society registered under any law regulating co-operative housing for the time being in force, shall be assessed separately.

(4) Each apartment and its percentage of the undivided interest in the common areas and facilities in a building within the meaning of any law regulating apartment ownership for the time being in force, shall be assessed separately.

(5) If the ownership of any vacant land or building or any portion thereof is sub-divided into separate shares, or if more than one adjoining vacant land or building or portion thereof comes under one ownership by amalgamation, the Commissioner may, on an application from the owner or the co-owners, as the case may be, separate, or amalgamate, as the case may be, such vacant land or building or portion thereof so as to ensure conformity with the provisions of this section.

(6) Notwithstanding any assessment made in respect of any vacant lands or buildings before the commencement of the Delhi Municipal Corporation (Amendment) Act, 2003 the Commissioner may, on his own or otherwise, amalgamate, or separate, or continue to assess, such vacant lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.

(7) The Commissioner shall, upon an application made in this behalf by an owner, lessee, sub-lessee, or occupier of any vacant land or building and upon payment of such fee as may be prescribed in the bye-laws, furnish to such owner, lessee, sub-lessee, or occupier, as the case may be, information regarding the apportionment of the property tax on such vacant land or building among the several occupiers of such vacant land or building for the current period of assessment or for any preceding period of assessment:

Provided that nothing in this sub-section shall prevent the Corporation from recovering the arrear dues on account of property tax from any such person, jointly or severally.]

¹[116. Constitution of Municipal Valuation Committee.—(1) The Government shall as soon as may be after the commencement of the Delhi Municipal Corporation (Amendment) Act, 2003, and thereafter at the expiration

of every third year, constitute by notification in the official Gazette, a Municipal Valuation Committee.

(2) The Municipal Valuation Committee shall consist of—

- (a) a Chairperson, and
- (b) such other members, being not less than two and not more than six, as the Government may determine.

(3) The Chairperson and the other members of the Municipal Valuation Committee shall be appointed by the Government and the qualifications and experience requisite for their appointment, the manner of selection, and other terms and conditions of service including salaries and allowances, tenure of office shall be such as the Government may by rules determine.

(4) The salaries and allowances of the Chairperson and the other members of the Municipal Valuation Committee shall be paid from the Municipal Fund.

(5) The functions of the Municipal Valuation Committee shall be—

- (a) to make recommendations to the Corporation on matters relating to classification of vacant lands and buildings in any ward of Delhi into colonies and groups of lands and buildings and fixation of base value per unit area of vacant land or per unit area of covered space of building and factors for increase or decrease, or for no increase or decrease, thereof;
- (b) to consider objections under section 116C, and to make recommendation thereon; and
- (c) to perform such other functions as the Government may require.]

¹[116A. **Classification of vacant lands and buildings into colonies and groups and specification of base unit area values therefor.**—(1) The Municipal Valuation Committee shall recommend the classification of the vacant lands and buildings in any ward of Delhi, referred to in section 5, into colonies and groups of lands and buildings after taking into account the following parameters:—

- (a) settlement pattern such as plotted housing, group housing, colony with flats only, urban village, unauthorized colony, resettlement colony, rural village and non-residential areas;
- (b) availability of civic and social infrastructure;
- (c) access to roads;
- (d) access to district centres, local shopping centres, convenience-shopping centres, and other markets;
- (e) land prices as may, from time to time, be notified by the Central Government or the Delhi Development Authority;
- (f) use-wise category of any building including residential building, business building, mercantile building, building for recreation and sports purposes, industrial building, hazardous building and public purpose building including educational, medical and such other institutional building and farmhouse, as may be specified by the Corporation;
- (g) in the case of buildings used for business, mercantile, recreation and sports, industrial, hazardous, storage or farmhouse purposes, the

1. Subs. by Delhi Act 6 of 2003, sec. 8, for section 116 (w.e.f 1-8-2003).

location of such buildings adjacent to such categories of streets, as may, subject to the provisions of sub-section (2), be specified by the Corporation;

- (h) the types of buildings which may be classified as pucca, semi-pucca or katcha, as may be specified by the Corporation;
- (i) the age-wise grouping of buildings as may be specified by the Corporation; and
- (j) such other parameters as may be considered relevant by the Municipal Valuation Committee.

(2) The Municipal Valuation Committee shall recommend, groupwise,—

- (a) the base unit area value of any owner-occupied vacant land, or any wholly owner-occupied building of pucca structure, constructed in the year 2000 or thereafter, and put to exclusive residential use, and
- (b) the factor for increasing or decreasing, or for not increasing or decreasing, the base unit area values specified in clause (a), separately in respect of each of the parameters of type of colony, use, age, type of structure and occupancy status of the vacant land or building, as the case may be, subject to a lower limit of zero point five and upper limit often point zero.]

¹[116B. Notification of classification of vacant lands and buildings into colonies and groups and specification of base unit area values therefor and factors for increase or decrease.—(1) The Corporation shall, having regard to the recommendations of the Municipal Valuation Committee, declare its intention to classify vacant lands and buildings in each ward into such colonies and groups of lands and buildings as the Corporation may; by public notice, specify, and shall also specify in such public notice the base value it proposes to specify per unit area of vacant land and per unit area of covered space of building within each such group and also the factors for increasing or decreasing, or for not increasing or decreasing, the base unit area values of vacant lands and buildings referred to in clause (b) of sub-section (2) of section 116A.

(2) The Corporation shall, on receipt of any representation from any group in any colony affected by such classification of lands or buildings into any group or specification of the base unit area values of vacant lands or covered space of buildings within such groups, and the factors for increasing or decreasing, or for not increasing or decreasing, such unit area values of vacant lands or covered space of buildings, refer such representation to the Municipal Valuation Committee for reconsideration, and the decision of the Municipal Valuation Committee thereon shall, subject to the provisions of section 116K, be binding on the Corporation.]

¹[116C. Objection to classification of vacant lands and buildings into colonies and groups and fixation of base unit area values and factors for increasing or decreasing such base unit area values.—(1) If any owner or occupier of any vacant land or building in any ward in respect of which a public notice has been issued under section 116B, has any objection to the manner of classification of any group or groups, or the base value per unit area of vacant land or the base value per unit area of covered space of building in any

1. Subs. by Delhi Act 6 of 2003, sec. 8, for section 116 (w.e.f 1-8-2003).

group, or the factors as specified in clause (b) of sub-section (2) of section 116A, he may submit to such officer of the Corporation as may be authorized by the Corporation in this behalf his objection in such form, and containing such particulars, as may be prescribed, within thirty days from the date of publication of such public notice, and such objection shall be considered by the Municipal Valuation Committee, after giving the person submitting the objection an opportunity of being heard.

(2) The procedure for hearing and disposal of objections shall be such as may be prescribed.

(3) On the expiry of thirty days from the date of publication of the public notice under section 116B and after considering the recommendation of the Municipal Valuation Committee on the objections, if any, in accordance with the provisions of this section, the Corporation shall, by public notice, specify groupwise the base unit area value of vacant land and the base unit area value of covered space of building and the factors referred to in clause (b) of sub-section (2) of section 116A:

Provided that the Corporation shall not alter the unit area values recommended by the Municipal Valuation Committee without the approval of the Government.]

¹[116D. **Final base unit area values of vacant land and of covered space of building.**—(1) Subject to the provisions of section 169, the base unit area value of vacant land and the base unit area value of covered space of building in any group, as may be specified under sub-section (3) of section 116C, shall be final.

(2) The Corporation shall publish the final base unit area value of vacant land and the final base unit area value of covered space of building as aforesaid and the factors used for increasing or decreasing, or for not increasing or decreasing, the final base unit area values as aforesaid and shall make them available for inspection by any person free of charge. Copies thereof shall also be made available to any person on payment of cost.]

¹[116E. **Determination of annual value of covered space of building and of vacant land.**—(1) The annual value of any covered space of building in any ward shall be the amount arrived at by multiplying the total area of such covered space of building by the final base unit area value of such covered space and the relevant factors as referred to in clause (b) of sub-section (2) of section 116A.

Explanation—"covered space", in relation to a building, shall mean the total floor area in all the floor thereof, including the thickness of walls, and shall include the spaces of covered verandah and courtyard, gangway, garrage, common service area, staircase, and balcony including any area projected beyond the plot boundary and such other space as may be prescribed.

(2) The Corporation may require the total area of the covered space of building as aforesaid to be certified by an architect registered under the Architects Act, 1972 (20 of 1972), or any licensed architect, subject to such conditions as may be prescribed.

(3) The annual value of any vacant land in any ward shall be the amount arrived at by multiplying the total area of such vacant land by the final base unit area value of such land and the relevant factors as referred to in clause (b) of sub-section (2) of section 116A.

1. Subs. by Delhi Act 6 of 2003, sec. 8, for section 116 (w.e.f 1-8-2003).

(4) If, in the case of any vacant land or covered space of building, any portion thereof is subject to different final base unit area values or is not self-occupied, the annual value of each such portion shall be computed separately, and the sum of such annual values shall be the annual value for such vacant land or covered space of building, as the case may be.]

¹[116F. **Determination of annual value of building where land is exempted from property tax.**—Where any vacant land is exempted from property tax under any law for the time being in force, the annual value of any building erected on such land, which is in existence for more than one year and is not entitled to any exemption from such tax under this Act or any other law for the time being in force, shall be determined in accordance with the provisions of this chapter.]

¹[116G. **Transitory provisions.**—Notwithstanding anything contained in this Act, as amended by the Delhi Municipal Corporation (Amendment) Act, 2003, a tax on vacant land or covered space of building or both, levied under this Act immediately before the date of coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, shall, on the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, be deemed to be the tax on such vacant land or covered space of building or both, levied under this Act as amended by the Delhi Municipal Corporation (Amendment) Act, 2003, and shall continue to be in force until such tax is revised in accordance with the provisions of this Act, as amended by the Delhi Municipal Corporation (Amendment) Act, 2003.

(2) Notwithstanding anything contained in sub-section (1), where assessment has not been finalized in respect of a vacant land or covered space of a building or both, on the date of the commencement of the Delhi Municipal Corporation (Amendment) Act, 2003 the assessee may have such land or building or both, as the case may be, assessed on the basis of the annual value.]

¹[116H. **One-time tax.**—Notwithstanding anything contained in this Act, in those cases where the owner has already paid one-time tax under some scheme in the past, the extent of the retable value on the basis of which the one-time tax was paid shall be set off against the annual value calculated under the provisions of the Delhi Municipal Corporation (Amendment) Act, 2003 and the tax liability shall be worked out on the basis of net annual value.]

¹[116-I. **Validity of base unit area values of vacant land and covered space of building.**—The base unit area value of vacant land and the base unit area value of covered space of building in respect of a specified group in a ward shall remain in force for period of three years:

Provided that till the revision of such base unit area values is completed, the existing base unit area values shall continue to be in force.]

¹[116J. **Indexation of unit area value.**—If, for any reason, the base unit area value of any vacant land, or the base unit area value of any covered space of building, in any group in any ward has not been revised on the completion of a period of three years from the date on which such base unit area values were last determined, it shall be lawful to increase or decrease the base unit area values according to the changes in the consumer price index of urban non-manual

workers or such other suitable index as the Government may determine till such revision is made by the Municipal Valuation Committee, and to realize the amount of property tax for such covered space of building or vacant land on the basis of the revised base unit area values.]

¹[116K. **Hardship and Anomaly Committee.**—(1) The Corporation shall, on the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, appoint, for such period, not exceeding one year, as the Corporation may think fit, a Hardship and Anomaly Committee with a view to considering the cases of hardships or anomalies, if any, in respect of property tax imposed under the provisions of this Act as amended by the Delhi Municipal Corporation (Amendment) Act, 2003.

(2) The Hardship and Anomaly Committee shall consist of a professional from areas of finance, taxation, law or municipal management, as the Chairperson and four other members of whom one shall be a councillor to be nominated by the Corporation, one shall be the chairperson of the Municipal Valuation Committee and one member shall be nominated from among the members of the Municipal Valuation Committee and one shall be the Additional Commissioner (Revenue) of the Corporation.

(3) The Hardship and Anomaly Committee shall make recommendations to the Corporation on the petitions received from any group of affected persons regarding any hardship or anomaly arising out of the property tax imposed, and the decision of the Corporation on such recommendation shall be final.

(4) The procedure for the functioning of the Hardship and Anomaly Committee shall be such as may be specified by the Corporation.]

117. Charge by measurement in lieu of water tax in certain cases.—[Rep. by Act 67 of 1993, sec. 84 (w.e.f. 1-10-1993).]

118. Special rates of scavenging tax in certain cases.—[Rep. by Act 67 of 1993, sec. 84 (w.e.f. 1-10-1993).]

119. Taxation of Union properties.—²[(1)] Notwithstanding anything contained in the foregoing provisions of this Chapter, lands and buildings being properties of the Union shall be exempt from the property taxes specified in section 114:

Provided that nothing ³[in this sub-section] shall prevent the Corporation from levying any of the said taxes on such lands and buildings to which immediately before the 26th January, 1950, they were liable or treated as liable, so long as that tax continues to be levied by the Corporation on other lands and buildings.

⁴[Explanation.—For the purposes of this section, property owned by a Government company or a statutory corporation, which has a corporate personality of its own, shall not be deemed to be the property of the Union.]

⁵[***]

1. Subs. by Delhi Act 6 of 2003, sec. 8, for section 116 (w.e.f. 1-8-2003).

2. Section 119 re-numbered as sub-section (1) thereof by Act 42 of 1961, sec. 8 (w.e.f. 12-9-1961).

3. Subs. by Act 42 of 1961, sec. 8, for "in this section" (w.e.f. 12-9-1961).

4. Ins. by Delhi Act 6 of 2003, sec. 9 (w.e.f. 1-8-2003).

5. Sub-section (2) omitted by Delhi Act 6 of 2003, sec. 9 (w.e.f. 1-8-2003). Earlier sub-section (2) was inserted by Act 42 of 1961, sec. 8 (w.e.f. 12-9-1961). (See Annexe).

¹[120. Incidence of property tax.—(1) (a) The property tax on any land or building shall be primarily leviable upon the owner thereof.

(b) The liability of the several owners of any land or building constituting a single unit of assessment, which is, or purports to be, severally owned in parts including flats or rooms, for payment of property tax or any instalment thereof, payable during the period of such ownership, shall be joint and several:

Provided that the Commissioner may apportion the amount of property tax on such land or building among several co-owners:

Provided further that in any case where the Commissioner is, for reasons to be recorded in writing, satisfied that the owner is not traceable, the occupier of such land or building for the time being shall be liable for payment of the property tax and shall also be entitled to the rebate, if admissible.

(c) In the case of any land or building which is not self-occupied and where the owner is constrained by any law, order of the Government, or order of a court from recovering the tax due, such tax shall be recovered from the occupier or occupiers, as the case may be:

Provided that the owner shall continue to pay such amount of tax as he was liable to pay before the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003 and only the balance, amount, if any, shall be recovered from the occupier.

(d) The property tax on any land or building, which is the property of the Corporation and the possession of which has been delivered under any agreement or licensing arrangement, shall be leviable upon the transferee or the licensee, as the case may be.

(e) The property tax in respect of any land or building, being the property of the Union, the possession of which has been delivered in pursuance of section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), shall be leviable upon the transferee.

(2) If any land has been let to a tenant for a term exceeding one year and such tenant has built upon such land, the property tax assessed in respect of such land and the building erected thereon shall be payable by such tenant, whether the land and the building are in the occupation of such tenant or a sub-tenant of such tenant.

Explanation.—For the purposes of this section, "tenant" shall include any person deriving title to the land or the building erected upon such land, from the tenant, whether by operation of law or by transfer *inter vivos*.]

²[120A. Levy of service charge in slums and resettlement colonies.—(1) The Corporation may, from time to time, levy on the aggregate area of land or covered space of building in any slum or any resettlement colony where no property tax is levied, a service charge of such amount, not exceeding the actual cost of providing the services as may be specified by the Corporation.

1. Subs. by Delhi Act 6 of 2003, sec. 10, for section 120 (w.e.f 1-8-2003) (See Annexe).

2. Ins. by Delhi Act 6 of 2003, sec. 11. (w.e.f 1-8-2003).

(2) The Corporation may, in the public interest, entrust the collection of the service charge as aforesaid to any organization of slum dwellers or residents of resettlement colonies recognized by the Corporation.]

¹[120B. **Grant to group housing society, resident welfare association, market association or industrial estate.**—Where any organized group of property owners and/or occupiers, such as group housing society, resident welfare association, market association, industrial estate, registered with the Corporation, provides on its own, with the approval of the Corporation, any of the civic services from among the obligatory functions of the Corporation, specified in section 42, within the area of jurisdiction of such group, the Corporation may give such grant to such group, as may be specified in the bye-laws, taking into account the services provided by such group:

Provided that such grant shall not exceed thirty five per cent. of the amount collected as property tax from the lands and buildings within the area of jurisdiction of such group.]

121. Apportionment of liability for property taxes when the premises assessed are let or sub-let.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003, (Delhi Act 6 of 2003), sec. 12 (w.e.f. 1-8-2003).] (See Annexe).

122. Recovery of property taxes from occupiers.—(1) On the failure to recover any sum due on account of property taxes in respect of any land or building from the person primarily liable therefor under section 120, the Commissioner shall recover from every occupier of such land or building by attachment, in accordance with section 162 of the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may be, the same proportion to that sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of the land or building.

(2) An occupier from whom any sum is recovered under sub-section (1) shall be entitled to be reimbursed by the person primarily liable for the payment, and may in addition to having recourse to other remedies that may be open to him, deduct the amount so recovered from the amount of any rent from time to time becoming due from him to such person.

123. Property taxes a first charge on premises on which they are assessed.—Property taxes due under this Act in respect of any land or building shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge—

- (a) in the case of any land or building held immediately from the Government, upon the interest in such land or building of the person liable for such taxes and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to such person; and
- (b) in the case of any other land or building, upon such land or building and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to the person liable for such taxes.

1. Ins. by Delhi Act 6 of 2003, sec. 11. (w.e.f 1-8-2003).

¹[*Explanation.*—The term “property taxes” in this section shall be deemed to include the costs on recovery of property taxes and the penalty, if any, payable, as specified in the bye-laws.]

²[**123A. Submission of returns.**—(1) The Commissioner shall, with a view to determining the annual values of vacant land and covered space of building in any ward and the person primarily liable for the payment of property tax, by public notice, or by notice, in writing, require the owner and the occupier of such vacant land or covered space of building or any portion thereof, including such owner or the person computing the tax due under the provisions of section 123B, to furnish a return in such form as may be prescribed by bye-laws and within such time, not being less than thirty days from the date of publication of such notice, as may be specified therein, containing the following particulars, namely:—

- (a) the name of the owner and the occupier;
- (b) the number of the ward, the name of the colony, and the number and the sub-number of the premises of such vacant land or covered space of building, as the case may be;
- (c) whether the building is *pucca*, *semi-pucca* or *katcha*;
- (d) year of completion of construction of the building, or year or years of part construction thereof, as the case may be;
- (e) the use with reference to the provisions of clause (f) of sub-section (1) of section 116A to which such vacant land or covered space of building is put or intended to be put;
- (f) the area of the vacant land and the covered space of the building with break-up of the area under various uses;
- (g) whether wholly owner-occupied or wholly tenanted, or partly owner-occupied and partly tenanted, and the areas thereof; and
- (h) such other particulars as may be prescribed by bye-laws.

(2) (a) Every owner and every occupier as aforesaid shall be bound to comply with such notice and to furnish a return with a declaration that the statement made therein is correct to the best of knowledge and belief of such owner and occupier.

(b) Whoever omits to comply with such requisition, shall in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such land or building.

(3) The Commissioner or any person subordinate to him and duly authorized by him in this behalf, in writing, or any licensed architect, may, with or without giving any previous notice to the owner or the occupier of any land or building, enter upon, and make any inspection or survey, and take measurement of such land or building with a view to verifying the statement made in the return for such land or building or for collecting the particulars, referred to in sub-section (1) in respect of such land or building:

Provided that no such entry shall be made except between the hours of sunrise and sunset.]

1. Subs. by Act 67 of 1993, sec. 85, for the Explanation (w.e.f. 1-10-1993).

2. Ins. by Delhi Act 6 of 2003, sec. 13 (w.e.f. 1-8-2003).

¹[123B. Self-assessment and submission of return.—(1) After the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, any owner of any vacant land or covered space of building or any other person liable to pay the property tax or any occupier in the absence of such owner or person, shall file a return of self assessment within sixty days of the coming into force of the aforesaid Act.

(2) Such owner or other person or occupier, as the case may be, shall, thereafter, file the annual return only in those cases where there is a change in the position as compared to the previous return, within three months after the end of the financial year in which the change in position has occurred.

(3) Any owner of any covered space of building or vacant land or any other person liable to pay the property tax, or any occupier in the absence of such owner or person shall compute the tax due under section 114A or section 114C, as the case may be, and pay the same in equated quarterly instalment by the 30th day of June, 30th day of September, 31st day of December and 31st day of March of the financial year for which tax is to be paid. In the event of tax being paid in one lump sum for the financial year by the 30th day of June of the financial year, rebate of such percentage not exceeding fifteen per cent. as may be notified by the Corporation, of the total tax amount due shall be allowed.

(4) Any owner of any vacant land or covered space of building or any other person liable to pay the property tax or any occupier in the absence of such owner or person, who computes such property tax under this section, shall, on such computation, pay the property tax on such vacant land or covered space of building, as the case may be, together with interest, if any, payable under the provisions of this Act on—

- (a) any new building or existing building which has not been assessed; or
- (b) any existing building which has been redeveloped or substantially altered or improved after the last assessment, but has not been subjected to revision of assessment consequent upon such redevelopment or alteration or improvement, as the case may be.

(5) Such owner or person, as the case may be, shall furnish to the Commissioner a return of self-assessment in such form, and in such manner, as may be specified in the by-laws and every such return shall be accompanied by proof of payment of property tax and interest, if any.

(6) In the case of any new building for which an occupancy certificate has been granted, or which has been occupied, after the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, such payment shall be made, and such return shall be furnished, within thirty days of the expiry of the quarter in which such occupancy certificate is granted or such building is occupied, whichever is earlier.

Explanation.—For the removal of doubt, it is hereby declared that occupancy certificate may be provisional or final and may be for the whole or any part of the building and occupancy may be of the whole or any part of the building.

(7) After the determination of the annual value of vacant land or covered space of building under section 116E or section 116F or revision thereof under

section 123C has been made, any amount paid on self-assessment under this section shall be deemed to have been paid on account of such determination under this Act as amended by the Delhi Municipal Corporation (Amendment) Act, 2003.

(8) If any owner or other person as aforesaid, liable to pay the property tax under this Act, fails to pay the same together with interest thereon, if any, in accordance with the provisions of this section, he shall, without prejudice to any other action to which he may be subject, be deemed to be a defaulter in respect of such property tax, or interest, or both, remaining unpaid, and all the provisions of this act applicable to such defaulter shall apply to him accordingly.

(9) If after the assessment of the annual value of any land or covered space of building finally made under this Act, the payment on self-assessment under this section is found to be less than of the amount payable by the assessee, the assessee shall pay the difference within two months from the date of final assessment, failing which recovery shall be made in accordance with the provisions of this Act, but, after the final assessment, if it is found that the assessee has paid excess amount, such excess amount shall be refunded:

Provided that in any case where the amount of tax determined in the final assessment is more than the amount of tax paid under self-assessment, and the difference in the amount of tax is, in the opinion of the Commissioner, the result of wilful suppression of facts as defined in the bye-laws, the Commissioner may levy a penalty not exceeding thirty per cent. of such difference in the tax besides the interest thereon:

Provided further that the levy of such penalty shall be in addition to any other punishment provided for under this Act:

Provided also that the procedure for sending of notice, hearing of objection and determination of tax and penalties shall be such as may be specified in the bye-laws.

(10) Where no notice is sent by the Commissioner under section 123C within twelve months after the year to which such self-assessment relates, such self-assessment shall be regarded as assessment made under this Act:

Provided that in any case, where there has been wilful suppression of facts, penalty upto thirty per cent. of the tax due may be imposed:

Provided further that the procedure for sending of notice, hearing of objection and determination of tax and penalties shall be such as may be specified in the bye-laws.]

¹[123C. Revision of assesement.—(1) The Commissioner may cause any revision to be made at any time in the annual value of any vacant land or covered space of building or any portion thereof in the following cases, namely:—

- (i) where the nature of use changes; or
- (ii) where the nature of occupancy changes; or
- (iii) where a new building is erected or an existing building is redeveloped or substantially altered or improved during the period the annual value remains in force; or

- (iv) where, on an application made, in writing, by the owner or the person liable to pay the property tax, it is established that during the period the annual value is in force, such value has been reduced by reason of any substantial demolition or has suffered depreciation on account of any accident or any calamity proved to the satisfaction of the Commissioner to have been beyond the control of such owner or person, or
- (v) where any vacant land or covered space of building or portion thereof is acquired by purchase or otherwise by the Central Government or the Government or the Corporation, or
- (vi) where any vacant land or covered space of building or portion thereof is sold or otherwise transferred to the Central Government or the Government or the Corporation, or
- (vii) where, upon the acquisition or transfer of a part of any vacant land or covered space of building, a residual portion remains, or
- (viii) where it becomes necessary so to do for any other reason to be recorded in writing.

(2) Before making any revision of the annual value under sub-section (1), the Commissioner shall give any owner, person or occupier, as a case may be, affected by such revision, notice of not less than 30 days that he proposes to make the revision and consider any objections which may be made by such owner, person or occupier.

(3) Notwithstanding anything contained in sub-section (1), where the annual value of any vacant land or covered space of building—

- (i) has not, for any reason, been determined under this Act, the annual value of such vacant land or covered space of building, as the case may be, may be determined by the Commissioner at any time during the currency of the period of assessment in respect of such vacant land or covered space of building under section 116E or section 116F, as the case may be; or
- (ii) has been cancelled on the ground of irregularity, the annual value of such vacant land or covered space of building, as the case may be, may be determined by the Commissioner at any time after such cancellation,

and such annual value of such vacant land or covered space of building, as the case may be, shall remain in force until a fresh valuation or revision is made.

(4) Any revision of annual value of any vacant land or covered space of building or any portion thereof under this section shall be made with reference to the group into which such vacant land or covered space of building or part thereof is classified under section 116A, and the annual value fixed per unit area or such vacant land or covered space of building for that group shall be applicable.

(5) Notwithstanding anything contained in the foregoing provisions of this section, no revision of the annual value of any vacant land or covered space of building under this section shall be made without giving the owner or the occupier of such vacant land or covered space of building a reasonable opportunity of being heard.

(6) Where any revision of annual value of any vacant land or covered space of building is made under this section, the order of such revision shall be communicated to the owner or the occupier of such vacant land or covered space of building within ten days from the date of the order.

(7) An appeal shall lie against an order under sub-section (6) to an officer appointed by the Government, if preferred by the owner, person or the occupier of such vacant land or covered space of building within forty-five days from the date of the receipt of the order.]

¹[123D. **Power of Commissioner regarding assessment.**—The Commissioner may, at any time—

- (a) make, *suo motu*, an assessment in any case where a return on the basis of self-assessment has not been filed;
- (b) revise any assessment where the information furnished in the return of self-assessment is found to be incorrect;
- (c) reopen any assessment even after the period of one year in any case where it has been detected that there is wilful suppression of information; and
- (d) impose a penalty not exceeding thirty per cent. of the difference in tax arising from non-filing of a return in time, giving wrong information or wilful suppression of facts.]

²[124. **Municipal Assessment Book.**—(1) The Corporation shall maintain a Municipal Assessment Book in such form, and in such manner, as may be specified in the bye-laws and shall make it available for inspection, free of charge, through electronic media or otherwise:

Provided that the Municipal Assessment Book shall not be kept pending for any case for which any objection or appeal has been filed.

(2) The Commissioner may, at any time, amend the Municipal Assessment Book for such reasons as may be specified in the bye-laws:

Provided that no such amendment shall be made without giving any person affected a reasonable opportunity of being heard.]

³[125. **Assignment of property identification code.**—(1) The Corporation shall cause to be maintained a register wherein the property identification code numbers by which any premises or part thereof shall be known, shall be recorded in respect of each such premises in the municipal area and such numbers shall be fixed in such manner as may be specified in the bye-laws.

(2) When the property identification code numbers in respect of premises in any ward of the Corporation have been determined, the Commissioner shall notify the same in such manner as may be prescribed in the bye-laws.

(3) After the property identification code numbers in respect of premises in any ward have been notified under sub-section (2), any person required under this Act or any other law to make any application to the Corporation for permission, licence or for payment of any tax or for payment of any dues for any

1. Ins. by Delhi Act 6 of 2003, sec. 13 (w.e.f 1-8-2003).

2. Subs. by Delhi Act 6 of 2003, sec. 14, for section 124 (w.e.f 1-8-2003) (See Annexe).

3. Subs. by Delhi Act 6 of 2003, sec. 15, for section 125 (w.e.f 1-8-2003) (See Annexe).

service and for such other purposes as may be prescribed, shall at the time of making such application mentioned in the application, the property identification code number determined under sub-section (1).]

126. Amendment of assessment list.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 16 (w.e.f. 1-8-2003).] (See Annexe).

127. Preparation of new assessment list.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003, (Delhi Act 6 of 2003) sec. 17 (w.e.f. 1-8-2003).] (See Annexe).

128. Notice of transfers.—(1) Whenever the title of any person primarily liable for the payment of property taxes on any land or building is transferred, the person whose title is transferred and the person to whom the same is transferred shall within three months after the execution of the instrument of transfer or after registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves, shall give notice of such devolution to the Commissioner within six months from the date of the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be determined by bye-laws made under this Act, and the transferee or the other person on whom the title devolves shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall, in addition to any penalty to which he may be subjected under the provisions of this Act, continue liable for the payment of all property taxes from time to time payable in respect of the land or building transferred until he gives such notice or until the transfer has been recorded in the Commissioner's book, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

¹[(5) The Commissioner shall record every transfer or devolution or title notified to him under this section in his books and in the Municipal Assessment Book:

Provided that before recording such transfer or devolution of title, the Commissioner shall satisfy himself that any duty on transfer of property leviable under section 147 has been paid.]

(6) On a written request by the Commissioner, the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908 (16 of 1908), shall furnish such particulars regarding the registration of instruments of transfer of immovable properties in Delhi, as the Commissioner may from time to time, require.

(7) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected, or, if the Commissioner so requests, by periodical returns at such intervals as the commissioner may fix.

1. Subs. by Delhi Act 6 of 2003, sec. 18, for sub-section (5) (w.e.f 1-8-2003) (See Annexe).

COMMENTS

Any notice required to be issued by the Corporation can be validly issued to the transferor until he intimates the Corporation of the transfer and it would be a valid and sufficient service in law. The transferee, in such circumstances, cannot contend that since he has not been served with the relevant notice, the assessment made or any other action taken is bad in law. If he takes a transfer from a particular person, it is his duty to ensure that the transferor sends the intimation contemplated under section 128(1) and the transferee's name is recorded as the owner in the place of the transferor. The fault cannot be that of the municipality in case of non-intimation or failure of the transferee to have his/her name entered in the municipal records, as the owner or as the person primarily liable. Thus, section 126 of the Delhi Municipal Corporation Act, 1957 does not have the effect of relieving a transferee of a land and/or building from the liability to pay property taxes duly assessed upon such property and this "liability extends even for the period prior to the transfer in his/her favour" and such taxes can be recovered from him/her according to law; *Municipal Corporation of Delhi v. Trigon Investment and Trading Private Limited*, AIR 1996 SC 1579.

129. Notice of erection of building, etc.—When any new building is erected or when any building is rebuild or enlarged or when any building which has been vacant is reoccupied, the person primarily liable for the property taxes assessed on the building shall give notice thereof in writing to the Commissioner within fifteen days from the date of its completion or occupation whichever first occurs, or as the case may be, from the date of its enlargement or re-occupation; and property taxes shall be assessable on the building from the said date.

130. Notice of demolition or removal of buildings.—(1) When any building or any portion of a building, which is liable to the payment of property taxes is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said taxes shall give notice thereof in writing to the Commissioner.

(2) Until such notice is given, the person aforesaid shall continue liable to the payment of such property taxes as he would have been liable to pay in respect of such building if the same or any portion thereof had not been demolished or removed.

131. Power of Commissioner to call for information and returns and to enter and inspect premises.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 19 (w.e.f. 1-8-2003).] (See Annexe).

132. Premises owned by, or let to, two or more persons in severalty to be ordinarily assessed as one property.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 20 (w.e.f. 1-8-2003).] (See Aneexe).

133. Assessment in case of amalgamation of premises.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 21 (w.e.f. 1-8-2003).] (See Annexe).

134. Power of Commissioner to assess separately outhouses and portions of buildings.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 22 (w.e.f. 1-8-2003).] (See Annexe).

135. Power of Commissioner to employ valuers.—(1) The Commissioner may, if he thinks fit, employ one or more competent persons to give advice or assistance in connection with the valuation of any land or building, and any person so employed shall have power, at all reasonable times and after giving

145. Presumption in case of contravention.—Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or displayed to public view from a public street or public place in contravention of the provisions of this Act or any bye-laws made thereunder, it shall be presumed, unless and until contrary is proved, that the contravention has been committed by the person or the persons on whose behalf the advertisement purports to be or the agents of such person or persons.

146. Power of Commissioner in case of contravention.—If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of section 143, the Commissioner may require the owner or occupier of the land, building, wall, hoarding, frame, post or structure or vehicle upon, or over or in which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any land, building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

Duty on transfer of property

147. Duty on transfer of property and method of assessment thereto.—(1) Save as otherwise provided in this Act, the Corporation shall levy a duty on transfers of immovable property situated within the limits of Delhi in accordance with the provisions hereafter in this section contained.

(2) The said duty shall be levied—

- (a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899 (2 of 1899) as in force for the time being in the Union territory of Delhi, on every instrument of the description specified below, and
- (b) at such rate as may be determined by the Corporation not exceeding five per cent., on the amount specified below against such instruments—

<i>Description of instrument</i>	<i>Amount on which duty should be levied</i>
(i) Sale of immovable property	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property	The value of the property, as set forth in the instrument
(iv) Mortgage with possession of immovable property	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property	The amount equal to one-sixth of the whole amount or value of the rent which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument.
¹ [(vi) Contract for transfer of immovable property]	Ninety per cent. of the value of the consideration for the transfer as set out in the contract.]

1. Ins. by Delhi Act 6 of 2003, sec. 23 (w.e.f. 1-8-2003).

COMMENTS

The expression "instrument of sale of immovable property" under this section means a document effecting transfer. The title to the property concerned has to be conveyed under the document. The document has to be a vehicle for the transfer of the right, title and interest. A document in the form of a certificate merely stating as a fact that the transfer has already taken place cannot be included within this expression. A certificate recording a fact or attempting to furnish evidence of an already concluded transaction under which title has already passed is to avoid any controversy with respect to the property sold, and of the purchaser thereof, as also the date when the sale becomes absolute. Such a certificate issued under Order 21, Rule 94 of Code of Civil Procedure, 1908 stating that the sale "became" absolute can, in no circumstances, be treated to be such an instrument to fall under the ambit of section 147 so as to attract duty thereupon; *Municipal Corporation of Delhi v. Pramod K. Gupta*, AIR 1991 SC 401.

148. Provisions applicable on the introduction of transfer duty.—On the introduction of the duty on transfers of property—

- (a) section 27 of the Indian Stamp Act, 1899 (2 of 1899), as in force in Delhi shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without Delhi;
- (b) section 64 of the said Act shall be read as if it referred to the Corporation as well as the Government.

¹[Tax on building applications payable along with the application for sanction of building plans]

149. Tax on building applications.—²[(1) Save as otherwise provided in this Act, the Corporation shall levy a tax on building applications at the rate of five rupees per square metre of the total covered area proposed to be built on a plot measuring up to fifty square metres and ten rupees per square metre of the total covered area proposed to be built on a plot exceeding fifty square metres in area.]

(2) The tax shall be leviable on every person who makes an application to the Commissioner for the sanction of building plan and shall be payable along with the same.

Other Taxes

150. Imposition of other taxes.—(1) The Corporation may, at a meeting, pass a resolution for the levy of any of the taxes specified in sub-section (2) of section 113, defining the maximum rate of the tax to be levied, the class or classes of persons or the description or descriptions of articles and properties to be taxed, the system of assessment to be adopted and the exemptions, if any, to be granted.

(2) Any resolution passed under sub-section (1) shall be submitted to the ³[***] Government for its sanction, and if sanctioned by that Government, shall come into force on and from such date as may be specified in the order of sanction.

(3) After a resolution has come into force under sub-section (2), the Corporation may, subject to the maximum rate, pass a second resolution determining the actual rates at which the tax shall be leviable; and the tax shall come into force on the first day of the quarter of the year next following the date on which such second resolution is passed.

1. Subs. by Delhi Act 7 of 2004, sec. 4(i), for sub-heading "Tax on buildings payable along with the application for sanction of building plans" (w.e.f. 17-12-2004).

2. Subs. by Act 7 of 2004, sec. 4(ii), for sub-section (1) (w.e.f. 17-12-2004). Sub-section (1), before substitution, stood as under:

"(1) Save as otherwise provided in this Act, the Corporation shall levy a tax on buildings at such rates not exceeding those specified in the Sixth Schedule as the

(4) After a tax has been levied in accordance with forgoing provisions of this section, the provisions of sub-section (2) of section 109, shall apply in relation to such tax as they apply in relation to any tax imposed under sub-section (1) of section 113.

Supplementary taxation

151. Supplementary taxation.—Whenever the Corporation decides to have recourse to supplementary taxation under sub-section (2) of section 111 in any year, it shall do so by increasing from such date as the Corporation may determine, the rates at which any tax leviable under this Act is being levied, but every such increase shall be made subject to the maximum rate and any other limitation specified in respect of such tax.

Payment and recovery of taxes

1[152. Time and manner of payment of taxes.—(1) Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such number of instalments and in such manner as may be determined by bye-laws made in this behalf:

Provided that if, on the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, there is any increase in the amount of property tax which was being paid or was payable immediately before the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, the difference in the amount of property tax in excess of fifty per cent. above the tax being paid or being payable, shall be given effect to by stages covering a period of three years by dividing the amount of such increase in the property tax by three, the quotient being added to the amount of property tax which was payable immediately before the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, and to the amount of property tax which shall be payable respectively in each of the remaining two successive years after such addition.

(2) Where any person liable for the payment of property tax under this Act has failed to pay—

- (a) such tax by the date as specified in sub-section (3) of section 123B; or
- (b) the arrear of tax, interest and penalty, if any, and any other sum in the nature of tax up to the 31st March of the preceding financial year;

he shall be liable to pay simple interest at the rate of one per cent. for every month or part of the month comprising the period from the expiry of the due date, till the amount is actually paid.

152A. Punishment for wilful default in payment of property tax, furnishing wrong information in return of assessment, etc.—Whoever wilfully makes default in the payment of, or wilfully attempts in any manner whatsoever to evade, any tax, including amount of interest due and penalty levied under this Act, or furnishes any wrong information in the return of assessment, or wilfully fails to furnish in due time the return of property tax, or does not furnish information as asked for under any provision of this Act, he shall, without prejudice to any other penal provision under this Act to which he may be subject, be punishable,—

- (a) in the case where the amount of tax sought to be evaded exceeds ten lakh rupees with rigorous imprisonment for a term which shall not be less than three months but which may extend up to seven years, and with fine of not less than fifty per cent. of the amount of tax evaded; and
- (b) in any other case, with rigorous imprisonment for a term which shall not be less than one month but which may extend up to three years, and with fine of not less than fifty per cent. of the amount of tax evaded:

Provided that the penalties so imposed shall be in addition to, and not in derogation of, any liability in respect of the payment of tax which the defaulter may have incurred.]

153. Presentation of bill.—(1) When any tax has become due, the Commissioner shall cause to be presented to the person liable for the payment thereof, a bill for the amount due:

Provided that no such bill shall be necessary in the case of—

- ¹[(a) property tax payable on self-assessment of vacant land or covered space in any building;]
- ²[(aa)] a tax on vehicles and animals;
- (b) a theatre-tax; and
- (c) a tax on advertisements.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

154. Notice of demand and notice fee.—(1) If the amount of the tax for which a bill has been presented under section 153, is not paid within fifteen days from the presentation thereof, or if the tax on vehicles and animals or the theatre-tax or the tax on advertisements is not paid after it has become due, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in the Seventh Schedule.

(2) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding five rupees as may be determined by bye-laws made in this behalf, shall be payable by the said person and shall be included in the cost of recovery.

155. Penalty in case of default of payment of taxes.—(1) If the person liable for the payment of any tax does not, within thirty days of the service of the notice of demand under section 154, pay the sum due and if no appeal is preferred against such tax, he shall be deemed to be in default.

(2) When the person liable for the payment of any tax is deemed to be in default under sub-section (1), such sum not exceeding twenty per cent. of the amount of the tax as may be determined by the Commissioner may be recovered from him by way of penalty, in addition to the amount of the tax and the notice fee, payable under sub-section (2) of section 154.

1. Ins. by Delhi Act 6 of 2003, sec. 25 (w.e.f. 1-8-2003).

2. Clause (a) re-numbered as clause (aa) by Delhi Act 6 of 2003, sec. 25 (w.e.f. 1-8-2003).

(3) The amount due as penalty under sub-section (2) shall be recoverable as an arrear of tax under this Act.

156. Recovery of tax.—(1) If the person liable for the payment of the tax does not, within thirty days from the service of the notice of demand, pay the amount due, such sum together with all costs and the penalty provided for in section 155, may be recovered under a warrant, issued in the form set forth in the Eighth Schedule, by distress and sale of the movable property or the attachment and sale of the immovable property, of the defaulter:

Provided that the Commissioner shall not recover any sum the liability for which has been remitted on appeal under the provisions of this Act.

(2) Every warrant issued under this section shall be signed by the Commissioner.

¹[**156A. Recovery of property tax.**—If, after the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, any owner of any vacant land or covered space of building or any other person liable to pay the property tax or any occupier, in the absence of any such owner or person, does not file a return of self assessment within sixty days of the coming into force of the Delhi Municipal Corporation (Amendment) Act, 2003, or if the person liable for the payment of property tax does not pay the amount due within the due date, such sum together with all costs and penalty may be recovered under a warrant, issued in the form set forth in the Eighth Schedule, by distress and sale of the movable property, or the attachment and sale of the immovable property, of the defaulter:

Provided that the Commissioner shall not recover any sum the liability for which has been remitted on appeal under the provisions of this Act.]

157. Distress.—(1) It shall be lawful for any officer or other employees of the Corporation to whom a warrant issued under section 156 is addressed to distrain, wherever it may be found in any place in Delhi, any movable property or any standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:—

(a) the following property shall not be distrained:—

- (i) the necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and eating utensils;
- (ii) tools of artisans;
- (iii) books of account; or
- (iv) when the defaulter is an agriculturist his implements of husbandry, seed, grain and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Commissioner, should not have been distrained, it shall forthwith be released.

(2) The person charged with execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in the Ninth Schedule, to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

158. Disposal of distrained property and attachment and sale of immovable property.—(1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to the recovered, likely to exceed its value, the Commissioner shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Commissioner, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 157, be sold by public auction by order of the Commissioner.

(3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within fifteen days from the date of the attachment.

(4) Such order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the Government, in the office of the collector.

(5) Any transfer of or charge on the property attached or any interest therein made without written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

(6) The surplus of the sale-proceeds, if any shall, immediately after the sale of the property, be credited to the Municipal Fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative and if the same is claimed by written application to the Commissioner within one year from the date of the notice, a refund thereof shall be made to such person or representative.

(7) Any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

(8) For every distraint and attachment made in accordance with the foregoing provisions, a fee of such amount not exceeding two and-a-half per cent. of the amount of the tax due as shall in each case be fixed by the Commissioner, shall be charged, and the said fee shall be included in the costs of recovery.

159. Recovery from a person about to leave Delhi.—(1) If the Commissioner has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to move from Delhi, he may direct the immediate payment by such person of the sum so due or about to become due and cause a notice of demand for the same to be served on such person.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner hereinbefore provided, and the warrant of distress or attachment and sale may be issued and executed without any delay.

160. Power to institute suit for recovery.—Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter has been so proceeded against unsuccessfully or with partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.

161. Power of seizure of vehicles and animals in case of non-payment of tax thereon.—(1) If the tax on any vehicle or animal is not paid, then, instead of proceeding against the defaulter by distress and sale of his other movable property as hereinbefore provided, the Commissioner may, at any time after the tax has become due, seize and detain the vehicle or animal or both and, if the owner or other person entitled thereto does not within seven days in respect of a vehicle and two days in respect of an animal from the date of such seizure and detention, claim the same and pay the tax due together with the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as is required in discharge of the sum due and the charges incurred as aforesaid.

(2) The surplus, if any, remaining after the application of the sale-proceeds under sub-section (1), shall be disposed of in the manner laid down in sub-sections (6) and (7) of section 158.

162. Occupiers may be required to pay rent towards satisfaction of property taxes.—(1) For the purposes of recovering the amount of any property tax from any occupier under section 122, the Commissioner shall cause to be served on such occupier a notice requiring him to pay to the Corporation any rent due or falling due from him in respect of the land or building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

(2) Such notice shall operate as an attachment of the said rent unless the position of the sum due shall have been paid and satisfied and the occupier shall be entitled to credit in account with the person to whom such rent is due for any sum paid by him to the Corporation in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the property tax, he shall be entitled to recover from the person primarily liable for the payment of such tax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Corporation as an arrear of tax under this Act.

Remission and refund

163. Demolition, etc., of buildings.—If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Commissioner may,

on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the rateable value thereof as he thinks fit.

164. Remission, or refund of tax.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 27 (w.e.f. 1-8-2003).] (See Annexe).

165. Power to require entry in assessment list of details of buildings.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 28 (w.e.f. 1-8-2003).] (See Annexe).

166. Notice to be given of the circumstances in which remission or refund is claimed.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 29 (w.e.f. 1-8-2003).] (See Annexe).

167. What buildings, are to be deemed vacant.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 30 (w.e.f. 1-8-2003).] (See Annexe).

168. Notice to be given of every occupation of vacant land or building.—[Rep. by the Delhi Municipal Corporation (Amendment) Act, 2003 (Delhi Act 6 of 2003), sec. 31.] (See Annexe).

Appeals

¹[**169. Appeal against assessment, etc.**—(I) An appeal against the levy or assessment or revision of assessment of any tax under this Act shall lie to the Municipal Taxation Tribunal constituted under this section:

Provided that the full amount of the property tax shall be paid before filing any appeal:

Provided further that the Municipal Taxation Tribunal may, with the approval of the District Judge of Delhi, also take up any case for which any appeal may be pending before the court of such District Judge:

Provided also that any appeal pending before the court of such District Judge shall be transferred to the Municipal Taxation Tribunal for disposal, if requested by the applicant for the settlement thereof on the basis of annual value.

(2) (a) The Government shall constitute a Municipal Taxation Tribunal consisting of a Chairperson and such other members as the Government may determine:

Provided that on the recommendation of the Government, the Chairperson may constitute one or more separate Benches, each Bench comprising two members, one of whom shall be a member of the Higher Judicial Service of a State or a Union territory and the other member from the higher administrative service, and may transfer to any such Bench any appeal for disposal or may withdraw from any Bench any appeal before it is finally disposed of.

(b) The Chairperson, and not less than half of the other members, of the Municipal Taxation Tribunal shall be persons who are or have been the members of the Higher Judicial Service of a State or a Union territory for a period of not less than five years, and the remaining members, if any, shall have such qualifications and experience as the Government may by rules determine.

1. Subs. by Delhi Act 6 of 2003, sec. 32, for section 169 (w.e.f. 1-8-2003) (See Annexe).

(c) The Chairperson and the other members of the Municipal Taxation Tribunal shall be appointed by the Government for a period of five years or till they attain the age of sixty-five years, whichever is earlier.

(d) The other terms and conditions of service of the Chairperson and the other members of the Municipal Taxation Tribunal, including salaries and allowances, shall be such as may be determined by rules by the Government.

(e) The salaries and allowances of the Chairperson and the other members of the Municipal Taxation Tribunal shall be paid from the Municipal Fund.

(3) In every appeal, the costs shall be in the discretion of the Municipal Taxation Tribunal or the Bench thereof, if any.

(4) Costs awarded under this section to the Corporation shall be recoverable by the Corporation as an arrear of tax due from the appellant.

(5) If the Corporation fails to pay any costs awarded to an appellant within ten days from the date of the order for payment thereof, the Municipal Taxation Tribunal may order the Commissioner to pay the costs to the appellant.]

170. Conditions of right to appeal.—No appeal shall be heard or determined under section 169 unless—

- (a) the appeal is, in the case of a property tax, brought within thirty days next after the date of authentication of the assessment list under section 124 (exclusive of the time requisite for obtaining a copy of the relevant entries therein) or, as the case may be, within thirty days of the date on which an amendment is finally made under section 126, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days after the date of the presentation of the first bill or, as the case may be, the first notice of demand in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the ¹[Municipal Taxation Tribunal] that he had sufficient cause for not preferring the appeal within that period;

- (b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Corporation.

COMMENTS

The amount in dispute in appeal would have to be interpreted as the "tax amount based on whole amount" of the rateable value—which tax has to be paid by the assessee; *Hyam Kishore v. Municipal Corporation of Delhi*, AIR 1991 Del 104.

1. Subs. by Delhi Act 6 of 2003, sec. 33, for "court" (w.e.f. 1-8-2003).

171. Finality of appellate orders.—The order of the ¹[Municipal Taxation Tribunal] confirming, setting aside or modifying an order in respect of any rateable value or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the ¹[Municipal Taxation Tribunal], upon application or on its own motion, to review any order passed by it in appeal within three months from the date of the order.

Miscellaneous provisions relating to taxation

172. Power to inspect for purposes of determining ²[annual value] or tax.—(1) The Commissioner may, without giving any previous notice, enter upon and make an inspection of—

- (a) any land or building for the purpose of determining the ²[annual value] of such land or building;
- (b) any stable, garage, or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act;
- (c) any place of premises which he has reason to believe are being used or are about to be used for any performance or show in respect of which the theatre tax is payable or would be payable;
- (d) any land, building or vehicle in or upon which any advertisement liable to tax under this Act is exhibited or displayed.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and description of vehicles and animals owned by or in the possession or under the control of such person; and every person or servant of such person so summoned shall be bound to attend before the Commissioner and to give information to the best of his knowledge and belief as to the said matters.

³[172A. Power to appoint an agency for administration of property tax.—(1) The Commissioner may, subject to such bye-laws as specified by the Corporation in this behalf, appoint any citizens' welfare association recognized by the Corporation, or any Scheduled bank, or any person or other agency to—

- (a) maintain the assessment book under section 124; .
- (b) collect tax and deposit the same with the Corporation; and
- (c) carry out such other tasks as may be assigned to them by a resolution of the Standing Committee.

(2) Such citizens' welfare association, bank or person, or other agency shall be paid such collection charges as may be authorized by such bye-laws as may be specified by the Corporation.]

173. Composition.—(1) The Commissioner may, with the previous sanction of the Standing Committee, allow any person to compound for any tax.

1. Subs. by Delhi Act 6 of 2003, sec. 34, for "court" (w.e.f. 1-8-2003).

2. Subs. by Delhi Act 6 of 2003, sec. 2, for "rateable value".

3. Ins. by Delhi Act 6 of 2003, sec. 35 (w.e.f. 1-8-2003).

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recovered as an arrear of tax under this Act.

174. Irrecoverable debts.—(1) The Commissioner may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in his opinion irrecoverable:

Provided that, where the sum written off in favour of any one person exceeds one hundred rupees, the previous sanction of the Standing Committee shall be first obtained.

(2) The Commissioner shall report to the Standing Committee every case in which any sum has been written off under sub-section (1).

175. Obligation to disclose liability.—(1) The Commissioner may, by written notice, call upon any inhabitant of Delhi to furnish such information as may be necessary for the purpose of ascertaining—

- (a) whether such inhabitant is liable to pay any tax imposed by the Corporation under this Act;
- (b) at what amount he should be assessed; or
- (c) the rateable value of the land or building which he occupies and the name and address of the owner or lessee thereof.

(2) If any person when called upon under sub-section (1) to furnish information neglects to furnish it within the period specified in this behalf by the Commissioner or furnishes information which is not true to the best of his knowledge or belief, he shall be liable, in addition to any penalty which may be imposed under this Act, to be assessed at such amount on account of tax as the Commissioner may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

176. Immaterial error not to affect liability.—No assessment and no charge or demand on account of any tax shall be impeached or affected by reason only of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax or in the description of any property or thing, or of any mistake in the amount of the assessment, charge or demand, or by reason only of clerical error or other defect of form, if the directions contained in this Act and the bye-laws made thereunder have in substance and effect been complied with; and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

177. General power of exemption.—The Corporation may, by resolution passed in this behalf, exempt either wholly or in part from the payment of any tax levied under this Act, any class of persons or any class of property or goods.

**Terminal taxes on goods*

***178. Terminal tax on goods carried by railway or road.**—(1) On and from the date of the establishment of the Corporation under section 3, there shall be levied on all goods carried by railway or road into the Union territory of Delhi

* The heading "Terminal taxes on goods" and sections 178 to 183 have been omitted by Ordinance No. 21 of 1993 (w.e.f. 30-1-1993).

459. Repayment of half fees on settlement before hearing.—Whenever any application, appeal or reference made under this Act or any bye-law made thereunder to the court of the district judge is settled by agreement between the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the court to the parties by whom the same have respectively been paid.

460. Power of the court of the district judge to delegate certain powers and to make rules.—The court of the district judge of Delhi may—

- (a) delegate, either generally or specially, to the court of an additional district judge, power to receive applications, ¹[election petitions,] appeals and references under this Act or any rule, regulation or bye-law made thereunder, and to hear and determine such applications, ¹[election petitions,] appeals and references;
- (b) with the approval of the ²[***] Government, make rules not inconsistent with this Act or any rule, regulation or by-law made thereunder, providing for any matter connected with the exercise of the jurisdiction conferred upon the court by this Act which is not herein specifically provided for.

Offences and penalties

461. Punishment for certain offences.—³[(1)] Whoever—

- (a) contravenes any provision of any of the sections, sub-sections, clauses, provisos or other provisions of this Act mentioned in the first column of the Table in the Twelfth Schedule; or
- (b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or other provisions,

shall be punishable—

- (i) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in the third column of the said Table or with both; and
- (ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

⁴[(2) Notwithstanding anything contained in sub-section (1), whoever contravenes the provisions of sub-section (1) of section 317 or sub-section (1) of section 320 or sub-section (1) of section 321 or sub-section (1) of section 325 or section 339, in relation to any street which is a public street, shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.]

1. Ins. by Act 42 of 1961, sec. 18 (w.e.f. 12-9-1961).

2. The word "Central" omitted by Act 67 of 1993, sec. 111 (w.e.f. 1-10-1993).

3. Section 461 re-numbered as sub-section (1) thereof by Act 42 of 1984, sec. 10 (w.e.f. 10-12-1985).

4. Ins. by Act 42 of 1984, sec. 10 (w.e.f. 10-12-1985).

462. Punishment for acquiring share or interest in contract, etc., with the Corporation.—¹[Any councillor or any person referred to in clause (b) of sub-section (3) of section 3 of any committee of the Corporation] ²[***] who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under section 9 it is permissible for a councillor to have without being thereby disqualified for being a councillor, ³[***] and the Commissioner, ⁴[***] ⁵[***] or any municipal officer or other municipal employee who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under clause (i) of sub-section (1) of section 9 of sub-clauses (ii) and (iii) of clause (c) of sub-section (2) of that section it is permissible for a councillor ³[***] to have, without being thereby disqualified for being a councillor ³[***], shall be deemed to have committed the offence made punishable under section 168 of the Indian Penal Code (45 of 1860).

***463. Punishment for offences relating to terminal tax.**—Whoever brings within the Union territory of Delhi any goods liable to terminal tax without the payment of such tax shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both, and the court trying an offence under this section may, on such conviction, also confiscate the goods in respect of which the offence has been committed.

***464. Penalty for evasion of terminal taxes.**—Where any goods imported into Delhi are liable to the payment of terminal tax, any person who, with the intention of evading payment of the tax introduces or attempts to introduce or causes or abets the introduction of any such goods within the Union territory of Delhi, upon which payment of terminal tax due on such introduction, has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such terminal tax.

465. General penalty.—Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

466. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was

1. Subs. by Act 67 of 1993, sec. 112, for certain words (w.e.f. 1-10-1993).

2. The words "the Delhi Transport Committee" omitted by Act 71 of 1971, sec. 7 and Sch. II (w.r.e.f. 3-11-1971).

3. The words "or an alderman" omitted by Act 67 of 1993, sec. 112 (w.e.f. 1-10-1993).

4. The words "the General Manager (Electricity)" omitted by Act 67 of 1993, sec. 112 (w.e.f. 1-10-1993).

5. The words "the General Manager (Transport)" omitted by Act 71 of 1971, sec. 7 and Sch. II (w.r.e.f. 3-11-1971).

* Sections 463 and 464 have been omitted by Ordinance no. 21 (w.e.f. 30-1-1993).

committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means a body corporate, and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

¹[466A. **Certain offences to be cognizable.**—The Code of Criminal Procedure, 1973 (2 of 1974), shall apply to,—

(a) an offence under sub-section (5) of section 313 or section 332 or sub-section (1) of section 333 or sub-section (1) of section 334 or section 343 or section 344 or section 345 or section 347;

(b) an offence under sub-section (1) of section 317 or sub-section (1) of section 320 or sub-section (1) of section 321 or sub-section (1) of section 325 or section 339 in relation to any street which is a public street,

as if it were a cognizable offence—

(i) for the purposes of investigation of such offence; and

(ii) for the purposes of all matters other than—

(1) matters referred to in section 42 of that Code, and

(2) arrest of a person, except on the complaint of, or upon information received from, such officer of the Corporation, not being below the rank of a Deputy Commissioner, as may be appointed by the Administrator:

Provided that no offence of the contravention of any condition subject to which sanction was accorded for the erection of any building or the execution of any work shall be cognizable, if such contravention relates to any deviation from any plan of such erection or execution sanctioned by the Commissioner which is compoundable on payment of an amount under the bye-laws relating to buildings made under this Act.]

1. Ins. by Act 42 of 1984, sec. 11 (w.e.f. 10-12-1985).

***1[467. Prosecutions.**—Save as otherwise provided in this Act, no court shall proceed to the trial of any offence,—

- (a) under sub-section (5) of section 313 or section 332 or sub-section (1) of section 333 or sub-section (1) of section 334 or section 343 or section 344 or section 345 or section 347 except on the complaint of or upon information received from, such officer of the Corporation, not being below the rank of a Deputy Commissioner, as may be appointed by the Administrator;
- (b) under sub-section (1) of section 317 or sub-section (1) of section 320 or sub-section (1) of section 321 or sub-section (1) of section 325 or section 339, if any such offence was committed in relation to any street which is a public street, except on the complaint of, or upon information received from, such officer of the Corporation, not being below the rank of a Deputy Commissioner as may be appointed by the Administrator;
- (c) other than those specified in clauses (a) and (b), except on the complaint of, or upon information received from, ²[the Commissioner, or a person authorised by him] by a general or special order in this behalf.]]

***468. Composition of offences.**—³[The Commissioner or any person authorised by him] by general or special order in this behalf, may either before or after the institution of the proceedings compound any offence made punishable by or under this Act:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Corporation or of any of the municipal authorities specified in section 44 unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Magistrates and proceedings before magistrates

469. Municipal magistrates.**—(1) The ⁴[] Government may appoint one or more ⁵[Metropolitan Magistrates] for the trial of offences against this Act and against any rule, regulation or bye-law made thereunder and may prescribe the time and place at which such magistrate or magistrates shall sit for the despatch of business.

*. Sections 467 to 473 have been omitted in relation to the road transport services in the Union Territory of Delhi by Act 71 of 1971, sec. 7 and Sch. II (w.r.e.f. 3-11-1971).

1. Subs. by Act 42 of 1984, sec. 12 (w.e.f. 10-12-1985).

2. Subs. by Act 67 of 1993, sec. 113, for certain words (w.e.f. 1-10-1993).

3. Subs. by Act 67 of 1993, sec. 114, for certain words (w.e.f. 1-10-1993).

4. The word "Central" omitted by Act 67 of 1993, sec. 115 (w.e.f. 1-10-1993).

5. Subs. by Act 67 of 1993, sec. 115, for "magistrates of the first class" (w.e.f. 1-10-1993).

(2) Such magistrates shall be called municipal magistrates and shall besides the trial of offences as aforesaid, exercise all other powers and discharge all other functions of a magistrate as provided in this Act or any rule, regulation or bye-law made thereunder.

(3) Such magistrates and the members of their staff shall be paid such salary, pension, leave and other allowances as may, from time to time, be fixed by the ¹[***] Government.

(4) The Corporation shall, out of the Municipal Fund, pay to the ¹[***] Government the amounts of the salary, pension, leave and other allowances as fixed under sub-section (3) together with all other incidental charges in connection with the establishments of the said magistrates.

(5) Each such magistrate shall have jurisdiction over the whole of Delhi.

(6) For the purposes of ²[the Code of Criminal Procedure, 1973 (2 of 1974)] all municipal magistrates appointed under this Act shall be deemed to be magistrates appointed under ³[section 16] of the said Code.

(7) Nothing in this section shall be deemed to preclude any magistrate appointed hereunder from trying any offence under any other law.

COMMENTS

The Government has an obligation under section 469 of the Act to appoint municipal magistrates for trial of offences under the Act or rules, regulations or bye-laws made thereunder. The use of the word "may" in this section only indicates that the Government has the discretion to appoint one or more municipal magistrates. The bar under section 470 of the Act becomes operative only when a municipal magistrate has been appointed for trial of offences under the Act. The jurisdiction of the criminal courts under section 4 of the Code of Criminal Procedure is exhaustive and comprehensive. Where there is no valid machinery for the exercise of jurisdiction in a specific case, the exercise of jurisdiction by the Judicial Magistrate or the Metropolitan Magistrate, as the case may be, is not excluded. Thus, where no court of a municipal magistrate has been constituted under section 469 of the Act and no notification has been issued conferring the powers of a municipal magistrate on a particular Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be, the jurisdiction by either of the courts is nevertheless exercisable, and not excluded under the criminal law; *Attiq-ur-Rehman v. Municipal Corporation of Delhi*, AIR 1996 SC 956.

***470. Cognizance of offences.**—All offences against this Act or any rule, regulation or bye-law made thereunder, whether committed within or without the limits of Delhi, shall be cognizable by a municipal magistrate and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence under any enactment which is repealed by, or which ceases to have effect under, this Act by reason only of his being liable to pay any municipal tax or rate or benefited out of the Municipal Fund.

1. The word "Central" omitted by Act 67 of 1993, sec. 115 (w.e.f. 1-10-1993).

2. Subs. by Act 67 of 1993, sec. 115, for "the Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 1-10-1993).

3. Subs. by Act 67 of 1993, sec. 115, for "section 12" (w.e.f. 1-10-1993).

* Sections 467 to 473 have been omitted in relation to the road transport services in the Union Territory of Delhi vide Act 71 of 1971, sec. 7 and Sch. II (w.r.e.f. 3-11-1971).

***471. Limitation of time for prosecution.**—No person shall be liable to punishment for any offence against this Act or any rule, regulation or bye-law made thereunder, unless complaint of such offence is made before a municipal magistrate within six months next after—

- (a) the date of the commission of such offence, or
- (b) the date on which the commission or existence of such offence was first brought to the notice of the complainant.

***472. Power of magistrate to hear cases in absence of accused when summoned to appear.**—If any person summoned to appear before a magistrate to answer a charge of an offence against this Act or any rule, regulation or bye-law made thereunder fails to appear at the time and place mentioned in the summons, or on any date to which the hearing of the case is adjourned, the magistrate may hear and determine the case in his absence, if—

- (a) service of the summons is proved to his satisfaction, and
- (b) no sufficient cause is shown, for the non-appearance of such person.

***473. Complaints concerning nuisances and procedure therefor.**—(1) The Commissioner, ¹[or any municipal officer or other municipal employee authorised by him] in this behalf or any person who resides or owns property in Delhi, may complaint to a municipal magistrate of the existence of any nuisance.

(2) Upon the receipt of any such complaint the magistrate, after making such inquiry as he thinks necessary, may by written order direct the person responsible for the nuisance or the owner of the land or building on which the nuisance has taken place, to take such measures as to such magistrate may seem practicable and reasonable, and within such period as may be specified in the order, for abating, preventing, removing or remedying such nuisance and may direct ²[the Commissioner] to put into force any of the provisions of this Act or any bye-law made thereunder.

(3) The magistrate may further direct the person found responsible for the nuisance to pay to the complainant such reasonable costs of and relating to the said complaint as he shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(4) Where in the opinion of the magistrate immediate action to prevent the nuisance is necessary he may dispense with the inquiry as required by sub-section (2) and make such order as he considers necessary forthwith.

(5) If the person directed to take action by an order under sub-section (2) or sub-section (3) fails to do so within the period specified in the order, the Commissioner ³[***] may on the expiry of the said period proceed to take action as directed in the order or may take such other measures to abate, prevent, remove or remedy the nuisance as he considers necessary, and all expenses incurred in that connection shall be recoverable from the person against whom the magistrate has made the order as an arrear of tax under this Act.

* Sections 467 to 473 have been omitted in relation to the road transport services in the Union Territory of Delhi *vide* Act 71 of 1971, sec. 7 and Sch. II (w.e.f. 3-11-1971).

1. Subs. by Act 67 of 1993, sec. 116, for certain words (w.e.f. 1-10-1993).

2. Subs. by Act 67 of 1993, sec. 116, for "any of the appropriate municipal authorities" (w.e.f. 1-10-1993).

3. The words "or any other appropriate municipal authority" omitted by Act 67 of 1993, sec. 116 (w.e.f. 1-10-1993).

legal keeper thereof or other person authorised by the Commissioner in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

494. Evidence of Municipal officer or employee.—No municipal officer or other municipal employee shall, in any legal proceedings to which the Corporation is not a party, be required to produce any register or document the contents of which can be proved under section 493 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

495. Prohibition against obstruction of Mayor or any municipal authority, etc.—No person shall obstruct or molest the Corporation or any municipal authority, the Mayor or the Deputy Mayor, any councillor* or alderman or any person employed by the Corporation or any person with whom the Commissioner has entered into a contract on behalf of the Corporation, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of any provision of this Act or of any rule, regulation or bye-law made thereunder.

496. Prohibition against removal of mark.—No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or of any rule or bye-law made thereunder.

497. Prohibition against removal or obliteration of notice.—No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporation or any municipal authority or any municipal officer or other municipal employee specified by the Commissioner in this behalf.

498. Prohibition against unauthorised dealings with public place or materials.—No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the Corporation or in any way obstruct the same.

499. Liability of Commissioner, etc., for loss, waste or misapplication of Municipal Fund or property.—(1) ¹[Every councillor and every person referred to in clause (b) of sub-section (3) of section 3, the Commissioner], ²[***] and every municipal officer and other municipal employee shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Corporation, of such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the Corporation with the previous sanction of the ³[***] Government or by the ³[***] Government.

* Ed. The words "or alderman" have become redundant as the reference to "alderman" have been omitted by Act 67 of 1993 (w.e.f. 1-10-1993), see section 9 of the Act.

1. Subs. by Act 67 of 1993, sec. 126, for certain words (w.e.f. 1-10-1993).

2. The words "the General Manager (Transport)" omitted by Act 71 of 1971, sec. 7 and Sch. II (w.r.e.f. 3-11-1971).

3. The word "Central" omitted by Act 67 of 1993, sec. 126 (w.e.f. 1-10-1993).

THE DELHI MUNICIPAL CORPORATION (PROPERTY TAXES) BYE-LAWS, 2004¹

[27th February, 2004]

The following Bye-laws called the Delhi Municipal Corporation (Property Taxes) Bye-laws, 2004 made by the Municipal Corporation of Delhi under sub-section (1) of section 481 read with section 483 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), as amended by the Delhi Municipal Corporation (Amendment) Act, 2003, (Delhi Act 6 of 2003), after previous publication and with the prior approval of the Government of National Capital Territory of Delhi are hereby published for general information, namely:—

1. Short title and commencement.—(1) These bye-laws may be called the Delhi Municipal Corporation (Property Taxes) Bye-laws, 2004.

(2) They shall come into force with effect from the date of their publication in the Delhi Gazette.

2. Definitions.—(1) In these bye-laws—

- (a) “Act” means the Delhi Municipal Corporation Act, 1957 (66 of 1957);
- (b) “Form” means a form appended to these bye-laws;
- (c) “notification” means a notification published in the Delhi Gazette;
- (d) “section” means a section of the Act;
- (e) “tax” means property tax, that is to say, a building tax or a vacant land tax or both.

(2) Words and expressions used in these bye-laws and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Physically challenged persons.—For the purpose of section 114B, “Physically challenged person” shall mean a person with disability as defined in clause (t) of section 2 of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, (1 of 1996) who has been issued a certificate by the prescribed authority under the said Act.

4. Tax on vacant land.—For the purposes of the proviso to section 114 C, if the construction on the ground floor is twenty-five per cent or more of the plot area, no vacant land tax shall be levied. In a case where such construction is less than the above-said percentage, vacant land tax shall be levied at such a rate as determined by the Corporation within the range prescribed in the Act.

5. Guidelines to determine use of vacant lands and buildings for agricultural purposes under clause (i) of sub-section (1) of section 115.—Any vacant land or building shall be deemed to be used for agricultural purposes, if such land or building is situated in the agricultural or rural zone in accordance with the provisions of the Master Plan for Delhi in force, and if—

1. Vide Notification No. 7 (367) (35)/2002/UD/3401 dated 27th February, 2004, published in the Gazette of India, Extra., dated 27th February, 2004.

- such land is used in accordance with the science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other agricultural products, or
- such building is used solely or partly for the storage of crops, or food, wool, and other agricultural products, or for sheltering animals, as aforesaid:

Provided that no vacant land which is appurtenant to a farmhouse shall be construed as agricultural land, and such land shall be liable to property tax.

6. Guidelines to determine use of vacant lands and buildings for the purpose of public charity under clause (iv) of sub-section (1) of section 115.—Any vacant land or building or portion thereof used exclusively for the purpose of housing an orphanage or an institution providing relief to physically or mentally challenged persons or for providing medical relief or education to the poor, free of cost without any motive to earn profit shall be deemed to be used for public charity.

7. Register for exempted properties.—The register to be maintained by the Commissioner under sub-section (2) of section 115 showing the vacant lands and buildings exempted from the property tax under the said section shall be in Form AI. and Form AII respectively.

8. Fee for furnishing information by the Corporation regarding apportionment of property tax.—The processing fee for furnishing any information to an owner, lessee, sub-lessee, or occupier of any vacant land or building under sub-section (7) of section 115A, regarding the apportionment of the property tax on such vacant land or building among the several occupiers of such vacant land or building for the current period of assessment or for any preceding period of assessment shall be one hundred rupees per assessee for each period of assessment.

9. Definitions of use-wise categories of buildings.—For the purposes of clause (f) of sub-section (1) of section 116 A, the use-wise—

- (a) “residential building” shall mean any building used for dwelling purposes by a family/families/individual but excludes any premises for commercial use including lodging, guest house, hotel or similar purposes:
- (b) “business building” shall mean any building or part thereof used for transaction of business or for keeping of accounts and records or for similar other purposes, and such buildings shall include—
 - (i) offices (other than offices of Central Government, State Government and local bodies), banks, professional establishments, court houses, and libraries for the principal function of transaction of public business and keeping of books and records;
 - (ii) office buildings (premises) solely or principally used as office or for office purpose; and

- (iii) one and two star hotels, restaurants, lodges and guest houses;
- (c) "mercantile building" shall mean any building or part thereof used as shops, stores or markets for display or sale of merchandise, either wholesale or retail, or for office, storage or service facilities incidental to the sale of merchandise and located in the same building, and such buildings shall include establishments wholly or partly engaged in wholesale trade, manufacturer's whole-sale outlets (including related storage facilities), warehouses, and establishments engaged in truck transport (including truck transport booking agencies), and subscriber trunk dialing and international subscriber dialing booths;
- (d) "building for recreation and sports purposes" shall mean any building or part thereof where groups of people congregate or gather for amusement or recreation or for sports, or similar other purposes, and such buildings shall include theatres, motion picture houses, drive-in-theatres, assembly halls, city halls, town halls, auditoria, exhibition halls, museums, baratghars, skating rings, gymnasia, dance halls, club rooms, gymkhanas, health and sports clubs, bowling alleys, stadia, and recreation piers;
- (e) "industrial building" shall mean any building or structure or part thereof in which products or materials of all kinds and properties are fabricated, assembled or processed as in assembly plants, and such buildings shall include laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies, factories, workshops, automobile repair garages, and printing presses, but the portion of the building for purposes other than purposes specified in this clause shall be assessed separately according to its use;
- (f) "hazardous building" shall mean any building or part thereof used, for the storage, handling, manufacture or processing of radioactive substances or of highly combustible or explosive materials or products, which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions during storage, handling manufacture or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other liquids, gases or chemicals producing flames, fumes, explosions or mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition;
- (g) "hospital and nursing home" shall mean any establishment running under the licence of hospital or nursing home, as the case may be, from a competent authority, other than those covered by clause (iv) of sub-section (1) of section 115 of the Act and clause (ii) of item (I) of Bye-law 9 of these Bye-laws;
- (h) "education buildings" shall means any building or structure or part thereof, used as a school, college or other educational purpose other than those covered by clause (iv) of sub-section (1) of section 115 of the Act and clause (i) of item (I) of Bye-law 9 of these Bye-laws;

(i) "public purpose" shall include—

- (i) the purposes of education intended to be imparted by a Central Government school or State Government school, or a school wholly aided by the Central Government or the State Government, or a municipal school, or any other educational institution run by a registered society making no profit or a public charitable trust spending its income for the benefit of public or students, charging students with a small or nominal fee and the fee being charged by such schools may not exceed such amount as may be specified by the Corporation from time to time as per laid down procedure, provided that the income or profit if any, of such an institution is in total redeployed and ploughed back for its expansion and improvement and no part thereof is in any way diverted for any other purpose whatsoever,
- (ii) the purposes of public health, medical treatment, culture, or sports, ensured or organized by Government institutions or institutions wholly aided by the Government or the Corporation, or any other public institution such as a society making no profit, or a public charitable trust spending its income for the benefit of public, or patients, or sports persons, or similar other persons, charging them with a small or nominal fee and the fee being charged not to exceed such amount as may be specified by the Corporation from time to time as per laid down procedure, provided that the income or profit, if any, of such an institution is in total redeployed and ploughed back for its expansion or improvement and no part thereof is in any way diverted for any other purpose whatsoever,
- (iii) the purposes of offices of the Central Government, State Government and local bodies (other than offices of Government company or a statutory corporation which has a corporate personality of its own),
- (iv) the purposes of socio-cultural complex, old age houses and students' hostels run by educational institutions. Central Government, State Government or registered societies recognised by the Corporation.
- (j) "farmhouse" shall mean a farmhouse as defined in the Master Plan for Delhi 2001;
- (k) "star hotels" shall mean hotels classified as three star and above by the Ministry of Tourism, Government of India;
- (l) "towers" shall include TV towers, cable towers, telecom towers or any other tower erected on the surface or top or on any other open space of a building;
- (m) "hoardings" shall mean large boards used to display advertisements, erected on poles, on the ground or on a building;

10. Specification of categories of streets for the purpose of classification of vacant lands and buildings into colonies and groups.—For the purpose of clause (g) of sub-section (1) of section 116A, streets in Delhi shall be categorized as follows:—

- (1) Category I street width of 24 metres and above,
- (2) Category II street width of 13.5 metres and above but less than 24 metres, and
- (3) Category III street width of less than 13.5 metres

11. Structural characteristics of buildings.—For the purpose of clause (h) of sub-section (1) of section 116A, buildings shall be classified as *pucca*, *semi-pucca*, or *katcha*, in the following manner:—

- (1) Pucca—building with load bearing roof.
- (2) Semi-pucca—building having a non-load bearing temporary roof
- (3) Katcha—buildings using temporary materials for walls and roof.

12. Age-wise grouping of buildings.—For the purposes of clause (i) of sub-section (1) of section 116A, buildings shall be grouped age-wise as under:—

- (1) Group A Buildings—constructed prior to 1960
- (2) Group B Buildings—constructed between 1960-69
- (3) Group C Buildings—constructed between 1970-79
- (4) Group D Buildings—constructed between 1980-89
- (5) Group E Buildings—constructed between 1990-99
- (6) Group F Buildings—constructed in 2000 and beyond.

13. Procedure for hearing and disposal of objections by Municipal Valuation Committee under sub-section (2) of section 116C.—(1) The Municipal Valuation Committee shall, while considering any objection submitted under sub-section (1) of section 116C, issue a notice, either in writing or by publication, to the person or group of persons submitting the objection, directing him or them to appear before the Committee with all relevant papers and evidence in support of the objection for a hearing:

Provided that the Committee may club together the objections received from a particular colony or group of persons or objections of similar nature and may, by notice, direct such group of persons to appear before the Committee.

(2) The Committee after having heard the objections individually or in groups and having considered supporting evidence produced relating to such objections shall forward its recommendations thereon to the Corporation.

(3) Two-third members of the Committee (including the Chairperson) shall constitute a quorum for a meeting of the Committee.

(4) In the case of any difference of opinion amongst the members of the Committee on any point arising in course of disposing of any objection, the decision of the majority of the members present shall be final. In the case of equality of votes, the Chairperson shall have a casting vote.

(5) In case any colony is left out or it comes up subsequent to the submission of the report of the Municipal Valuation Committee, its classification shall be decided by the Commissioner, which shall hold good till the recommendation in this regard is made by the succeeding Municipal Valuation Committee.

(6) The Committee shall decide the manner of transaction of its business.

14. Other spaces to be included in covered space in relation to building.—In addition to the covered spaces specified in the Explanation to sub-section (1) of section 116 E, the covered space in relation to a building shall also include basements, mezzanine floors, barsatis and stilts meant for parking and TV/ Telecom towers and hoardings erected on the surface or top or any other open space of a building.

Explanation.—In case of buildings with common areas/services shared by more than one owner/occupant, it shall be divided proportionately according to the covered area enjoyed by the owner/occupier. A fire escape (staircase) added subsequently to a building, loft floor, refuse areas in multi-storeyed buildings, shall not be counted towards covered area calculation. In the case of TV/Telecom and other such towers, the covered area shall include the area covered by the extremities of foundation multiplied by the total height, while in the case of hoarding, covered area shall mean the square of extremities of the poles on which hoardings are erected plus the area of the hoarding.

15. Conditions subject to which total area of covered space of building shall be certified.—(1) Any architect registered under the Architects Act, 1972 (20 of 1972) or any licensed architect may register himself with the Corporation for the purpose of providing a certificate under sub-section (2) of section 116E.

(2) Every such architect registered shall be given a specific registration number.

(3) Every certificate shall carry the registration number of the architect.

(4) The scale of fees to be charged by any architect for providing such certification shall be such as may be notified by the Corporation.

(5) The cost of certification shall be paid to the architect by the owner or occupier of the covered space of any building certified.

(6) Where any architect is found to charge fee in excess of the scale of fee notified by the Corporation or where such architect issues a false certificate of the covered area, the registration of such architect shall, subject to the provisions of the Architects Act, 1972 (20 of 1972), stand cancelled and he shall also be debarred from registration by the Corporation for a period of five years, and the Corporation shall not assign any work to him during such period.

16. Procedure for functioning of the Hardship and Anomaly Committee under sub-section (4) of section 116K.—(1) The Hardship and Anomaly Committee shall meet from time to time to dispose of any petition received from any group of affected persons referred to in sub-section (3) of section 116K.

(2) Any three members (including the Chairperson of the Committee shall constitute a quorum for a meeting of the Committee.

(3) In the case of any difference of opinion amongst the members of the Committee on any point arising in course of deciding any petition, the decision of the majority of the members present shall be final. In the case of equality of votes, the Chairperson shall have a casting vote.

(4) The Committee shall decide the manner of transaction of its business.

17. Levy of service charge in slums.—The amongst of service charge on the aggregate area of land or covered space of building in any slum or any resettlement colony under sub-section (1) of section 120A shall be calculated by dividing the actual cost of service by the number of dwelling units in the slum or resettlement colony, as the case may be, and such service charge so calculated may be divided by twelve for arriving at the monthly rate of service-charge to be levied.

18. Form and manner of submission of return under section 123A(1).—The return under sub-section (1) of section 123A shall be furnished to the Commissioner within sixty days from the date of publication of the notice or the date of notice as the case may be, in Form B.

19. Form of furnishing return self-assessment to Commissioner.—(1) The return of self assessment under sub-section (5) of section 123B shall be furnished to the Commissioner in Form C.

(2) For the purposes of the first proviso to sub-section (9) of section 123B, the suppression of any material fact in the return of self-assessment submitted under sub-section (5) of that section; resulting in the payment of an amount of tax which is lower than the amount of the tax determined in the final assessment, shall be deemed to be wilful suppression of fact, regardless of the consequences or effects of such suppression.

(3) For the purposes of the third proviso to sub-section (9) of section 123B, the Commissioner—

(a) on receipt of the return of self-assessment as aforesaid, may, if necessary, send a notice, in writing, to the owner or the occupier or the other person as the case may be, directing him to appear before him either in person or through an authorized representative, with all necessary documents in support of the return of self-assessment, and

(b) after giving the owner or the occupier or the other person, as the case may be, an opportunity of being heard, may pass such order determining the tax and the penalty or refund, if any, as he may think fit.

(4) For the purposes of the second proviso to sub-section (10) of section 123B, the Commissioner may, after giving the owner or the occupier or the other person, as the case may be, an opportunity of being heard, pass such order determining the tax and penalties, if any, as he may think fit.

20. Maintenance of Municipal Assessment Book under section 124.—(1) The Corporation shall maintain a Municipal Assessment Book in Form D and also maintain the same in electronic form.

(2) The Commissioner may, at any time, amend the Municipal Assessment Book, and also the corresponding electric form, after giving the affected person reasonable opportunity of being heard, if—

- (a) he has reason to believe that there are patent errors or omissions in respect of any entry in the Municipal Assessment Book, or
- (b) there are defects in the Municipal Assessment Book on the face of any documentary evidence, or
- (c) any change is required to be made in the Municipal Assessment Book in accordance with the provisions of the Act.

21. Assignment of identification code numbers and manner of its notification under sub-sections (1) and (2) of section 125.—(1)(a) Under sub-section (1) of section 125, the property identification code number by which any premises in any area within the jurisdiction of the Corporation may be known, shall be fixed in the following manner:—

- (i) the first three digits shall indicate the ward number in numerical form,
- (ii) the next four digits shall indicate the colony number in numerical form.
- (iii) the next six digits shall indicate the premises number in alphanumerical form, and
- (iv) the next two digits shall indicate the sub-number of premises in numerical form.

(b) All colonies in Delhi shall be serially numbered.

(2) Upon the determination of the identification code numbers in respect of the premises in any ward of the Corporation, the Commissioner shall publish such property identification code numbers in the prominent local newspapers in English and two local languages for three consecutive days, besides putting such property identification code numbers on the website, and the owner and the occupier of such premises shall be informed individually.

(3) Every person shall, while making any communication, in writing, to the Corporation on any matter under any provision of the Act, mention in such communication the relevant property identification code number in addition to the address of the person by whom, or on whose behalf, such-communication is made.

22. Time and manner of payment of property tax under sub-section (1) of section 152.—(1) Subject to the provisions of the Act, any tax levied under section 114A and section 114C shall become due on the first day of April of each financial year and shall be paid either in lump sum or in quarterly instalments by cash or account payee cheque or Demand Draft or through internet banking with the following endorsement:—

- (i) property tax for the period from.....to..... in respect of property bearing identification code number..... owned/occupied by.....,

- (ii) Paid in lump sum or quarterly instalment for the quarters ending June or September or December or March, and
- (iii) Paid in cash or by Cheque or by Demand Draft or through Internet Banking.

(2) (i) In the event of the tax being paid in one lump sum, the tax shall be paid by 30th day of June of the financial year and in that case rebate of such percentage not exceeding fifteen percent as may be notified by the Corporation, of the total tax amount due shall be allowed.

(ii) In the case of payment in quarterly instalments, the tax shall be paid in equated instalments by 30th day of June, 30th day of September, 31st day of December and 31st day of March of the financial year for which tax is paid.

(3) The Corporation shall grant a receipt in such form as the Corporation may determine in respect of every such payment.

(4) The Corporation may, by notification, provide that the payment of any such tax may be made through such Citizens' Welfare Association, Schedule bank, person or other agency as the Corporation may, from time to time, specify by notification and may also be paid by credit card or through electronic media.

23. Appointment of agency for administration of property tax.—(1) For the purpose of appointment of one or more agencies for administration of property tax for all or any of the functions under sub-section (1) of section 172A, the Commissioner shall, by notice published in the local newspapers in English and two local languages, invite applications from such Citizens Welfare Associations as are recognized by the Corporation and also from such Scheduled banks, persons, and other agencies as are willing to be registered with the Corporation for such purpose.

(2) The Commissioner shall, subject to the approval of the Standing Committee, appoint such number of such Citizens' Welfare Associations, Scheduled banks, persons, or other agencies; as aforesaid, as the Commissioner may consider necessary, and for such period, and on such conditions as the Commissioner may think fit.

(3) Upon appointment of any Citizens' Welfare Association, Scheduled bank, person, or other agency for the purpose as aforesaid, the Commissioner shall allot a registration number to each such Citizen's Welfare Association, Scheduled bank, person, or other agency, as the case may be.

(4) The jurisdiction of each appointee shall be such as the Commissioner may consider administratively convenient.

(5) For the purpose of sub-section (2) of section 172A, each of such Citizens' Welfare Associations, Scheduled banks, persons, or other agencies, as the case may be, shall be paid such charges for all or any of the functions referred to in sub-section (1) of section 172A as the Corporation may, by notification, specify from time to time.

24. Repeal and savings.—As from the date of the enforcement of these Bye-laws,—

- (1) the Delhi Municipal Corporation (Assessment List) Bye-laws, 1959;
- (2) the Delhi Municipal Corporation (Property Taxes) Bye-laws, 1959;