

In the Court of Commissioner for Persons with Disabilities
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-04, Telefax: 23216005
[Vested with power of Civil Court under the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/723/2014-Wel./CD/1185-89

Dated: 10.8.15

In the matter of :

Dr.Nitesh Tripathi

C-184, Begum Vihar Extension
Begumpur, Delhi-110086.

..... **Petitioner**

Versus

Commissioner

Transport Department of Delhi
5/9, Under Hill Road
New Delhi-110054

Sh.Amit Yadav

Commissioner
East Delhi Municipal Corporation
419, Udyog Sadan Patparganj Industrial Area
Delhi.

Dr.Puneet Kumar Goel

Commissioner

South Delhi Municipal Corporation
9th Floor, Dr.S.P.M Civil Centre
J.L.N.Marg, New Delhi

Mr.P.K.Gupta

Commissioner

North Delhi Municipal Corporation
4th Floor, Dr.S.P.M Civil Centre
New Delhi-110002

..... **Respondents**

ORDER

1. An representation was received from Dr.Nitesh Tripathi stating that relaxation was not being provided by the Government of Delhi and North Delhi Municipal Corporation in the Property Tax, Parking Tax on Purchasing of Vehicle, House Tax and other Taxes to persons with disabilities. The petitioner requested that the concerned authorities may be directed to take immediate action for providing the relaxation. The Commissioners of North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation were requested to file comments on the representation received from the petitioner. The Assessor and Collector of East Delhi Municipal Corporation filed a reply stating that **Quote** "provision for rebate for physically challenged person already exists in section 114 B of Delhi Municipal Corporation Act, 1957 which is reproduced as under : 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 percent of the tax due on the covered space of such building up to one hundred square meters of the covered space : Provided that such rebate shall not be applicable for more than one residential building within the jurisdiction of the NCT of Delhi. East Delhi Municipal Corporation is already providing the aforesaid rebate to Physically Challenged Persons and the same provision is also being incorporated in Self Assessment Property Tax Form at Sl. No.12 page 2 of the Form. So far as the issue of Parking Taxes on Purchasing of Vehicles is concerned the same is being collected and distributed by the Transport Department Government of NCT of Delhi to the Corporations as per prescribed guidelines of GNCT of Delhi and the Corporation has no role. Hence this issue pertains to Transport Department, GNCT of Delhi.” **Unquote.** Similarly a reply was received from the Additional Commissioner Revenue North Delhi Municipal Corporation stating that **Quote** “Provision for rebate to Physically Challenged Persons exists under Section 114 B of the DMC (Amendment) Act 2003 which is reproduced as under : 114 B. 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 up to one hundred square meters 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. As per Delhi Municipal Corporation (Property Tax By-Laws) 2004 Physically challenged persons: for the purpose of Section 114 B 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.” **Unquote**

2. A copy of the reply was sent to the petitioner who filed further comments stating that the relaxation being provided is very small and therefore the respondent should be asked to provide full exemption in House Tax and example of State of Uttar Pradesh may be adopted in the East Delhi Municipal Corporation and since the Municipal Corporation is

not concerned with Parking Tax in purchase of vehicle the matter should be taken up with the appropriate authorities.

3. The Joint Commissioner Operation of the Transport Department of Government of NCT of Delhi informed that **Quote** "The Case of Dr.Nitesh Tripathi for refund of Road Tax for the vehicles used by Physically disabled persons was decided in favour of the department vide dated 24.2.15 in case no.4/614/2014-Wel./CD/2700 dated 24.2.15 ".....since the petitioner is not filing the evidence as required by the Department of Transport, government of NCT of Delhi it has not been possible to consider his. The petitioner can avail the benefit by filing requisite documents in the Department of Transport". The present matter pertains to rejoinder filed by Dr.Nitesh Tripathi in case related to House Tax exemption for persons with disabilities, exemption of parking charges on purchase of vehicles for PwD. In this regard it is humbly submitted that none of these issues pertain to Transport Department. Vide this office letter dated 10.6.15 the applicant was informed about the legal position clearly mentioning that there is no provision under the Motor Vehicles Taxation Act 1962 for refund of taxes on vehicles. It has also been informed that exemption from MCD parking fees is exclusively in the domain of MCD. The applicant was advised to approach MCD for appropriate decision in the matter under intimation to the Disability Commission." **Unquote.** The Transport Department of Government of NCT of Delhi has no role in the matter of fixing the parking charges as they are only concerned with collecting the charges on behalf of the Municipal Corporations of Delhi.
4. I have carefully gone through the replies/rejoinders etc of both the parties. After careful consideration of the replies filed on behalf of the three Corporations and the Department of Transport of Government of NCT of Delhi. There is provision of rebate to physically challenged persons in payment of property tax u/s 114 B of the Delhi Municipal Corporation Act 1957 and in so far as full exemption from payment of property tax the matter may be considered by the respective local bodies. The parking charges are being collected by the Department of Transport in view of the Resolution No.218 dated 12.7.2004 passed by the erstwhile unified Municipal Corporation of Delhi. The parking charges are collected by the Department of Transport on behalf of the Municipal Corporation of Delhi as per an arrangement made in this behalf by the Government of Delhi. As per Resolution no. 218 dated 12.7.14 the erstwhile unified Municipal Corporation of Delhi exempted the following categories of vehicles from levy of parking charges: Auto Rickshaws, Taxis (DLT only) and Two wheeler scooter/Motor cycles. The

case for any relief in parking charges for person with disabilities may therefore be examined by the respective Municipal Corporation of Delhi.

5. Ordered Accordingly.

Given under my hand and the seal of the Court this 10th day of August, 2015.



K.S. Mehra
10/8/15

(K.S. Mehra)
Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari road, New Delhi-02