NC: 2023:KHC:23791
WP No. 2275 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2023

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

WRIT PETITION NO. 2275 OF 2023 (LB-TAX)

BETWEEN:

SESHADRIPURAM LAW COLLEGE
NO.1, GOVINDA RAO STREET
SESHADRIPURAM, BANGALORE 560020
ESTABLISHED AND RUN BY
SESHADRIPURAM EDUCATIONAL TRUST
REGISTERED UNDER THE INDIAN
TRUST ACT 1962
NO 27, NAGAPPA STREET,
BANGALORE 560020
REPRESENTED BY ITS
HON GEN SECRETARY
DR WOODAY P KRISHNA
S/O LATE W H PUTTAIAH
AGED ABOUT 59 YEARS

...PETITIONER

(BY SRI. GOUTHAM A. R., ADVOCATE)

Digitally signed by JUANITA THEJESWINI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   REP BY ITS PRINCIPAL SECRETARY
   DEPARTMENT OF URBAN DEVELOPMENT
   M S BUILDING DR AMBEDKAR ROAD
   BANGALORE 560001

2. BRUHAT BENGALURU MAHANAGARA PALIKE
REPRESENTED BY ITS COMMISSIONER
N R SQUARE BENGALURU
KARNATAKA 560002

…RESPONDENTS

(BY SRI. NITHYANANDA K.R., AGA FOR R1
SRI. B.V. MURALIDHAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PRIVATE EDUCATIONAL INSTITUTIONS ESTABLISHED AND ADMINISTERED WITHIN BRUHAT BANGALORE MAHANAGARA PALIKE AREA NOT LIABLE TO PAY PROPERTY TAX UNDER THE BRUHAT BANGALORE MAHANAGARA PALIKE ACT 2020 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R.DEVDAS J., (ORAL):

The petitioner, an educational institution is before this Court aggrieved of the demand notice dated 18.01.2023 raised by the respondent-Bruhat Bengaluru Mahanagara Palike, seeking payment of property tax. The petitioner has also called in question the provisions contained in Section 152(1)(i)(b) of the Bruhat Bengaluru

Mahanagara Palike Act, 2020 (hereinafter referred to as the 'BBMP Act' for short); Circular dated 29.03.2021 issued by the second respondent-Commissioner, BBMP etc.

2. It appears that the Karnataka Municipal Corporations Act, 1976 which was earlier governing the municipal area including the BBMP had a provision contained in Section 110 of the said Act, granting exemption from payment of property tax to educational institutions which were established for the purpose of education, recognized by the Government or local authority. However, on the enactment of the BBMP Act, 2020, such a provision was discontinued in the similar provision contained in Section 152 of the Act. Nevertheless, when many such institutions filed writ petitions before this Court and interim orders were passed by this Court, the State Government appears to have taken note of the same and amended the provisions contained in Section 152(1)(i)(b) of the BBMP Act, on

10.03.2023 substituting the provision re-introducing similar provisions that were earlier available in the Karnataka Municipal Corporations Act, 1976, to exempt such educational institutions from payment of property tax. In view of the same, all such writ petitions which were pending consideration before this Court were disposed of including the case of the ***Management Association of Schools, Karnataka and Another Vs. the State of Karnataka and Others*** in W.P.No.12954/2001 dated 17.04.2023. Learned Counsel for the respondent-BBMP submits that similar orders may be passed in this writ petition taking note of the amendment brought to the BBMP Act.

3. Consequently, this Court proceeds to pass the following order:

i) Writ petition is ***allowed***.

ii) The impugned demand notice dated 18.01.2023 at Annexure 'F' is hereby quashed and set aside.

iii) In view of the amendment brought to Section 152(1)(i)(b) of BBMP Act, the Circular which has been issued on 29.03.2021 is also quashed.

Needless to observe that if the petitioner has deposited any amount before the BBMP or in terms of any interim orders that are passed by this Court, the same shall be adjusted to future tax payment due from the petitioner.

Ordered accordingly.

Sd/-
JUDGE

JT/-