

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.210/251/2021**

**Dated this Tuesday, the 16<sup>th</sup> day of March, 2021**

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A)**

**Proceeding conducted through video conferencing with  
the consent of applicant's counsel.**

Vivek Batra, Additional Commissioner of Income Tax (Retd).  
Aged 51 years, R/o A-2, Income Tax Colony, Peddar Road,  
Mumbai 400 026.

- Applicant

(By Advocate Shri Samir Singh)

**Versus**

1. Dy. Commissioner of Income Tax (HQ-Admin)  
O/o Principal Chief Commissioner, 3<sup>rd</sup> Floor, Aaykar Bhavan,  
M.K. Road, Mumbai 400 020.
2. The Union of India, Through the Secretary, Ministry of Finance,  
Department of Revenue, North Block, New Delhi 110 001.
3. The Principal Chief Commissioner of Income Tax, Mumbai,  
Aaykar Bhavan, M.K. Road, Mumbai 400 020. - Respondents

**ORAL ORDER**

**Present:**

Advocate Shri Samir Singh for the applicant.

Heard the applicant's counsel.

This OA has been filed against the order of the Deputy Commissioner of Income Tax (Headquarters-Administration), Mumbai dated 25.01.2021 (Annex A-1) directing the applicant to vacate immediately the Government accommodation occupied by him i.e. Quarter A-II (Type V), Income Tax Colony, Peddar Road, Mumbai and to pay the due charges of Rs.36,44,959/- as per the instructions of Directorate of Estates in OM dated 07.09.2016. He has been further informed that failing this i.e. if he does not vacate the accommodation immediately and does not pay the due amount of charges, cost of damages, action would be taken by them under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and applicable charges such as licence fees/damages charges/water charges, etc would be adjusted against the terminal benefits to be paid to him by the respondents.

Against this order of the respondents, the applicant has filed a representation on 22.02.2021 which is yet to be decided by the respondents.

The applicant's counsel further submits that the applicant would be



satisfied if this OA is disposed of by directing the respondents to decide his pending representation.

In view of the above submissions, this OA is disposed of at admission stage directing the respondent No.1 i.e. Deputy Commissioner of Income Tax (Headquarters-Administration), Office of Principal Chief Commissioner of Income Tax, 3<sup>rd</sup> Floor, Aayakar Bhavan, M.K.Road, Mumbai – 20 to consider and decide the applicant's pending representation dated 22.02.2021 with a reasoned order as per the applicable relevant rules and instructions on the subject within two weeks from the date of receipt of a certified copy of this order and thereafter to communicate it to the applicant.

Till this representation of the applicant is decided, he should not be evicted from his accommodation but they would be entitled to recover from him the applicable licence fees, damage charges and water charges, etc as per the applicable instructions of Directorate of Estates, Ministry of Urban Development, Government of India.

The OA stands disposed of in above terms.No costs.

(Dr. Bhagwan Sahai)  
Member (Administrative)

kmg\*

JD  
14/03/21