

10-02-2023
ct no. 13
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**WPA 19526 of 2006
With
CAN 1 of 2012
With
CAN 4 of 2023**

M/s. Janata Travels & Ors.
-Versus-

Kolkata Metropolitan Development Authority (KMDA) &
Ors.

**Mr. Sounak Bhattacharya,
Mr. Goutam Lahiri
...for the petitioners/applicants**

**Mr. Satyajit Talukdar
.....for the KMDA**

In re: CAN 1 of 2012

CAN 1 of 2012 is an application for substitution filed by the petitioner.

It is submitted by the learned counsel for the petitioner that during the pendency of the writ petition, the petitioner no. 3, Pramod Kumar Sinha, died and his legal heirs and representatives, namely, Shani Khatick, and Pushpa Khatick. They may be substituted in place and stead of the original petitioner no. 3.

Having heard counsel for the parties and having considered the averments on affidavit, it is ordered that the substitution application being CAN 1 of 2012 is allowed and disposed of.

The Registry shall carry out the necessary amendment in the cause title.

In re: CAN 4 of 2023

By consent of the parties, CAN 4 of 2023 is treated as on day's list.

A copy of the said CAN 4 of 2023 be obtained from the counsel for the petitioner is kept with the record.

Counsel for the petitioner submits that his client does not wish to press CAN 4 of 2023.

Hence, CAN 4 of 2023 shall stand dismissed as not pressed.

WPA 19526 of 2006

The KMDA has instructed their counsel that they are willing to go in for a fresh tender process for the allotment of the shop space in question between the Howrah Station premises.

A sum of Rs.9,60,488/- is outstanding towards occupation charges of the petitioner. The said sum of Rs. 9,60,488/- shall carry interest @ 9% per annum shall be paid to the KMDA on or before **February 16, 2023**. All sums already paid by the petitioner shall be deducted from the aforesaid sum of Rs. 9 lakhs and odd.

The payment of the aforesaid amount, is condition precedent to the petitioner participating in the future tendering process that may be

started by the KMDA in respect of the occupational shop room in question.

Needless to mention that the petitioner shall be required to fulfil all conditions of the NIT that is proposed by the KMDA. If the petitioner does not participate or succeed in the tendering process he shall be liable to be evicted from the shop space.

Any amount already paid by the petitioner shall be adjusted and accordingly communicated to the petitioner by **Monday (13.02.2023)**.

With the aforesaid observations, WPA 19526 of 2006 shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)