

16.09.2020.
Item no. 61.
Court No.13
ap

**W.P.A. No. 6713 (W) of 2020
With
CAN 1 of 2020 [Old No. CAN 5615 of 2020]
(Through Video Conference)**

**Sri Shourabh Mukerji
Versus
The State of West Bengal & Ors.**

Mr. Mani Sankar Chattopadhyay.
...For the petitioner.

Mr. Jaydip Kar, Id. Senior Advocate,
Mr. Sumanta Biswas,
Mr. Bikash Shaw.
...For the respondent nos.5 to 7.

Mr. Alok Kumar Ghosh,
Mr. Dwijadas Chakraborty.
...For the KMC.

Considering the urgency pleaded by the petitioner in CAN 5615 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CAN 5615 of 2020 is disposed of.

The petitioner is running a Primary School at the ground floor of premises No. 55A, Shakespeare Sarani, Police Station – Beniapukur, Kolkata – 700 017 for about fifty years now.

In or about July 2020, the Kolkata Municipal Corporation having realized that the water supply to the School cannot be at a residential tariff, has demanded commercial charges, in accordance with the relevant Rules.

A notice was sent to the landlord by the KMC and fearing prosecution, supply of water to the School was suspended.

This Court is of the view that the matter can be settled.

Since Mr. Kar, learned Senior Advocate appearing on behalf of the landlord submits that his client has no objection to water supply to the School, if the School pays the commercial rate for such supply, let the Kolkata Municipal Corporation assess the commercial rate payable for water supply to the School which shall include the arrears for a reasonable period.

The Municipal Authorities may depute a responsible officer, who shall assess the consumption of the School from the water supply being made to the premises, which the School shall pay separately to the Kolkata Municipal Corporation including arrears, at a commercial rate.

It is made clear that the aforesaid order is passed only for the purpose of water supply and shall not create any special equity or right in favour of the School in any pending civil proceeding.

It is expected that the Kolkata Municipal Corporation shall take steps as directed hereinabove within a period of 15 days from date.

With the aforesaid directions, the instant writ application shall stand disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(*Rajasekhar Mantha, J.*)