

17.12.2020
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RP Ct.04

WPA No.13246 of 2019

**Smt. Aparna Banerjee & Ors.
Versus
State of West Bengal & Ors.**

Mr. Sankar Prasad Dalapati
Mr. Subrata Sarkar
Mr. Sourav Mondal

.... For Petitioners

Mr. Ayan Banerjee
Mr. Soumya Chowdhury

.... For Respondent No.9

Mr. Dalapati, learned advocate appears on behalf of petitioners who want lift installed in the block of apartments, where they have their flats. He submits, his clients are ready to bear the cost of installation and maintenance, in event other apartment owners intend to only use the lift and not pay for it. There has been objection from other apartment owners. Mr. Dalapati draws attention to order passed by coordinate Bench regarding similar prayer made for installation of lift. He relies on provisions in West Bengal Lift and Escalator Act, 1955, in particular sections 3 and 4.

Mr. Banerjee, learned advocate appears on behalf of the association, being private respondent no.9. He submits, there was special general meeting held on 29th December, 2019. In it all members gave consent to have a lift installed. Some put condition for installation. The Corporation goes unrepresented.

Private respondent will apply for installation of lift in concerned block. For this purpose the functionaries of said respondent will be assisted by petitioners. The Corporation will deal with the application and either sanction installation of the lift within three weeks from receipt of the application or make known to the applicant as to why permission is not granted. On receiving sanction the association will proceed for installation of the lift, either by paying for it through its members or recording arrangement, by which the members decide that only petitioners will pay for installation only or installation and maintenance. Court expects that benefits of having a lift will be appreciated by all.

Minutes of the respondent no.9 handed up, be kept on record.

The writ petition is disposed of.

(Arindam Sinha, J.)

