

OD – 1

ORDER SHEET
WPO 292 OF 2018
GA 2 OF 2020
GA 3 OF 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SM. ALAKANANDA SETT
Versus
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date : 26TH November, 2020.

For Plaintiff: Mr. Ranajit Chatterjee, Adv.
Mr. Prosenjit De, Adv.
Mr. Aniruddha Mitra, Adv.

For KMC : Mr. Subhrangsu Panda, Adv.

The Court : By this interim application, the writ petitioner seeks a direction upon the Kolkata Municipal Corporation Authorities to furnish a statement of outstanding of the subject premises after adjusting all amounts kept in the suspense account and a direction upon the bank to make payment of its share of tax, surcharge, interest and penalty as apportioned by KMC.

Learned Advocate appearing for the petitioner submits that, during the pendency of the writ petition, KMC authorities floated a waiver scheme. The writ

petitioner availed such scheme KMC Authorities allowed the writ petitioner waiver in terms of such scheme. After having availed of such waiver scheme, a sum of Rs.9,35,629/- is due and payable if paid within February 28, 2021. He submits that, the bank should be directed to pay such amount.

Learned Advocate appearing for the petitioner files a supplementary affidavit, which be taken on record.

The bank and the Kolkata Municipal Corporation Authorities are represented.

Learned Advocate appearing for the bank submits, on instructions that, the bank agrees to pay the sum of Rs.9,35,629/- within February 28, 2021 in terms of the waiver granted by the KMC Authorities as appearing in the letter of intimation dated October 12, 2020 being Annexure – Q to the supplementary affidavit of the petitioner affirmed on October 20, 2020.

It is agreed between the petitioner and the bank that the bank will pay a sum of Rs.9,35,629/- to the petitioner within seven days from date. The petitioner will in turn pay such amount to the Corporation in terms of the letter of intimation dated October 12, 2020.

The relief granted in the interim application, according to the petitioner is complete relief to the petitioner in the main writ petition, if the bank pays as directed. He submits that, the bank is obliged to pay the current municipal taxes, as apportioned and that the bank is paying the sum presently.

It is clarified that the letter of intimation issued by the Kolkata Municipal Corporation is valid to the extent that the waiver scheme permits it to be valid.

In such circumstances, WPO 292 of 2018, GA 2 of 2020 and GA 3 of 2020 are disposed of.

(DEBANGSU BASAK, J.)

A Dey/S.De