

ORDER SHEET
WPO NO.470 OF 2018
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SWATIK PROJECTS PVT. LTD. & ANR.
Versus
STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : 9th December, 2020

Appearance :
Mr. Nilay Sengupta, Adv.,
for the petitioner.

Mr. Abhratosh Majumdar, Id. AAG.,
Mr. Saumitra Mukherjee,
Mr. Nilatpal Chatterjee, Advs.,
for the respondent.

The Court : The writ petition has been filed, challenging a claim raised against the petitioners by the respondent authorities, as annexed at page 32 of the writ petition. By virtue of the said demand notice (Annexure P3) at page 32 of the writ petition pursuant to a building plan submitted on behalf of the petitioner, a particular amount was asked for grant of permit, along with the approved plan.

Learned Senior Counsel appearing on behalf of the State submits that there has been a subsequent revision in the fee structure, vide notification dated February 5, 2020 (No.2694/FES/O/3S-22/2016) published in the Kolkata Gazette Extra-ordinary on February 11, 2020.

As such, upon hearing both sides, it is evident that the demand notice impugned in the present writ petition automatically becomes academic and infructuous. Thus, any demand now raised for the purpose of issuance of permit along with the approved plan by the respondent authorities shall be subject to the revised notification dated February 5, 2020 (published on February 11, 2020).

Accordingly, WPO No.470 of 2018 is allowed, thereby setting aside the impugned demand notice Memo No.IND/WB/FES/2017-18/3579 (Annexure P3) at page 32 of the writ petition.

It is made clear that the respondent-authorities shall be free to issue a fresh demand notice in terms of the fees as per the February 2020 notification.

The petitioners shall be at liberty to withdraw the amount deposited, pursuant to the interim order passed in the present writ petition, without prejudice to the rights and contentions of the parties.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)