

Court No. 24

22.03.2021

(Item No. 27)

(AB)

W.P.A 1578 of 2021

Smt. Sabita Halder & Anr.

vs

The Kolkata Municipal Corporation & Ors.

Ms. Sulagna Bhattacharya

..... for the petitioners

Mr. Ranajit Chatterjee

Mr. Subhrangsu Panda

... for KMC

Mr. Malay Krishna De

..... For the State

Affidavit of service filed in Court today is taken on record.

The Court in an earlier writ petition filed by the petitioners being W.P. No. 24098 (W) of 2016 (Smt. Sabita Halder & Anr. Vs. The Kolkata Municipal Corporation & Ors.) by order dated 05.12.2016 had been pleased to set aside the annual valuation that was fixed on 16th September, 2016 in respect of the premises of the petitioners.

The Court directed the Corporation to pass a fresh order making the annual valuation and assessment for the subject period within eight weeks of communication of this order, after giving an opportunity of hearing to the petitioners to produce evidence and by a reasoned order.

The Court specifically directed that no further notice, except one, fixing a date and time of hearing need be issued.

It is the specific case of the petitioners is that the hearing which was initiated in compliance of the Court's order dated 5th December, 2016 has not been concluded till date.

The petitioners refer to a communication dated 04.01.2019 written by the Assessor Collector (JU & SPIO) intimating that as per the available books and records the property tax imposed on Annual Rental Valuation is based on the calculation fixed after hearing on 16th September, 2016.

The petitioners are aggrieved by the same.

The petitioners further submit that relying on the valuation assessed on 16th September, 2016 fresh property tax bills have been issued in favour of the petitioners.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation submits, upon instructions, that the petitioners had submitted a letter before the Hearing Officer on 2nd January, 2018 that he would not attend in the hearing as the writ petition being W.P. No. 29822(W) of 2017 is subjudice before the Hon'ble High Court.

It appears from the records that several dates were given by the Kolkata Municipal Corporation for hearing of the issue regarding fixing up of annual valuation but for any reason whatsoever the same has not been concluded till date.

Accordingly, the instant writ petition is disposed of by directing the Assessor Collector (JU) Borough – XII to conclude the hearing with regard to fixing up of the Annual Rental Valuation in respect of the premises no. 136, Purbachal Kalitala Road, Kolkata – 700 078, strictly in terms of the order passed by this Court on 5th December, 2016 at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

It is made clear that no unnecessary adjournments shall be granted by the Hearing Officer at the time of hearing of the case.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)