

Court No. 24

22.03.2021

(Item No. 12)

(AB)

W.P.A 2463 of 2020

Srinivasan Arunachalam Iyer

vs

The Kolkata Municipal Corporation & Ors.

Ms. Soma Kar Ghosh

Mr. Abhishek Banerjee

Mr. Arabinda Pathak

..... for the petitioner

Mr. Biswajit Mukherjee

Mr. Subhrangsu Panda

... for KMC

The petitioner has prayed for making adjustment of the excess amount that has been paid by him, in terms of the orders dated 23.03.2011 and 27.04.2018 passed by the Municipal Assessment Tribunal in M.A.A. No. 1954 of 2007 and M.A.A. No. 1179 of 2015 respectively.

During the pendency of the writ application the Kolkata Municipal Corporation has given effect to the orders passed in the appeal and have generated fresh bills. The petitioner has been intimated that adjustment has been done and the copy of the adjustment history and the suspense balance statement has been forwarded to the petitioner.

From the aforesaid calculation it appears that a sum of Rs.93,682/- is kept in the suspense account.

The petitioner prays for refund of the said amount. The petitioner makes a further prayer for mutating the premises in question in his name.

It appears from records that the application praying for mutation has not been annexed to the writ

petition. Accordingly, the instant writ petition is disposed of by granting leave to the petitioner to make a fresh application for mutation.

In the event, such an application is made, the Kolkata Municipal Corporation shall take steps to consider the same in accordance with law at the earliest.

As regards the prayer of the petitioner praying for refund of the excess amount held by the Corporation in the suspense account, the petitioner has already applied before the Corporation by making a formal application, copy whereof is annexed at page 49 of the writ petition.

The Assessor Collector (South) is directed to consider the said application made by the petitioner on 19th February, 2019, in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The Assessor Collector (South) shall give an opportunity of hearing to the petitioner prior to taking a decision with regard to the representation made by the petitioner.

The petitioner is directed to forward a copy of the representation dated 19th February, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

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.)