S/L 17
21.09.2021
Court. No. 19
GB

WPA 7302 of 2021

Allen Laboratories Limited & Anr.
Vs.
Bidhannagar Municipal Corporation & Ors.

(Through Video Conference)

Mr. Jayanta Mitra,
Mr. Sumit Talukdar,
Mr. Saumyen Datta,
Mr. Arup Chatterjee,
Mrs. Priti Jain,
Mrs. Sushmita Chowdhury.
... for the Petitioners.

Mr. Debabrata Saha Roy,
Mr. Arka K. Nag,
Mr. Subhankar Das.
...for the Bidhannagar Municipal Corporation.

The allegation in the writ petition is that despite an order of this Court, the Review Committee of the Bidhannagar Municipal Corporation failed and neglected to communicate the fate of the hearing given to the petitioners by the said Review Committee on April 5, 2017. The Finance Officer of the Bidhannager Municipal Corporation by a notice dated March 31, 2017 directed the petitioners to appear before the Review Committee on April 5, 2017 for a hearing of their grievances regarding property/service tax. This Court by an order dated January 22, 2021 directed the Review Committee to communicate the fate of the hearing to the petitioners. It is alleged that the order of this court has not been complied with. Hence, the petitioners have preferred the writ petition.

It is contended by the petitioners that the pendency of the matter before the Review Committee has resulted in the stoppage of business, as the certificate of enlistment of the petitioners has not been granted as yet for the reason that property tax has not been paid.

Mr. Mitra, learned senior Advocate appearing on behalf of the petitioners submits that the amount payable as property tax has not been communicated by the Review Committee. The payment offered by the petitioners at the earlier rate, has not been accepted by the Corporation and the Corporation on the other hand, has kept the entire issue pending resulting in serious financial loss to the petitioners' company. It is also on record that the company is a manufacturer of homeopathy medicines and stoppage of business shall have a serious effect on the availability of the medicines and drugs, which are manufactured by the petitioners company for the general public.

Under such circumstances, as the amount payable by the petitioners as property tax has not yet been decided by the Review Committee, the petitioners are not in a position to pay the dues. Non-payment of the same has resulted in non-renewal of the Certificate of Enlistment.

The writ petition is disposed of directing the Review Committee of the Bidhannagar Municipal Corporation to communicate the fate of the hearing held on April 5, 2017 to the petitioners within 48 hours from date of communication of this order. The amount payable by the petitioners as property tax shall be communicated by the Committee. The said amount will be deposited by the petitioners without prejudice to the rights and contentions of the petitioners to challenge the said decision of the Review Committee in an appropriate proceeding. Upon such payment, without prejudice, the Certificate of Enlistment shall be renewed by the Bidhannagar Municipal Corporation. Such renewal will also be without prejudice to the rights of the Corporation to claim the amount as decided by the Review Committee. The Certificate of Enlistment shall be granted within 72 hours from deposit of the money by the petitioner as per the decision of the Review Committee.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)