

Court No. 24

08.02.2021

(Item No. 9)

(AB)

W.P.A 23421 of 2019

M/S. V. S. Advertising

vs

The Chief Executive Officer, Kolkata Metropolitan
Development Authority & Ors.

Mr. S. P. Mukherjee

Mr. Debanjan Mukherjee

...for the Petitioner

Mr. Satyajit Talukdar

..... for KMDA

Report in the form of an affidavit filed by
Kolkata Metropolitan Development Authority and
exception thereto filed by the petitioner are taken on
record.

In the report filed by the Kolkata Metropolitan
Development Authority it is admitted that out of the
four gantries allotted to the petitioner, two of them
has been handed over to the petitioner, that too, at a
delayed date. The Kolkata Metropolitan Development
Authority intends to extend the tenure of the two
gantries from three years to six years as
compensatory measure for handing over the gantries
at a delayed date. The petitioner has accepted the
proposal of the KMDA and it does not have any
grievance, presently, with regard to the said two
gantries.

With regard to the third gantry KMDA relies
upon clause I of the Work Order dated 3rd July, 2018

wherein it has been mentioned that advertisement can be used by KMDA for any public purpose giving a prior notice of 48 hours in advance. The number of days or month used for public display by KMDA will be adjusted to the agency after the end of the contract tenure by giving further extension with no extra cost.

The learned advocate for the petitioner submits, upon instruction, that no prior notice of 48 hours was given to the petitioner. It has been submitted that no notice at all has been given to the petitioner prior to taking over the said gantry. It has further been submitted by the petitioner that the gantry has not been used for any public purpose but is being used for private displays.

The petitioner has given a chart in the writ petition alleging that the petitioner has suffered loss to the tune of Rs.7 Crore and odd, as on the date of filing of the writ petition, on account of not handing over and delayed granting of the gantries to the petitioner. The said submission is however disputed by the respondents.

With regard to the delayed handing over of the other two gantries, as there is a provision for adjustment with regard to the number of days lost on account of display by KMDA, the petitioner shall be entitled to extension of the contract period at no extra

cost, after the same has been handed over to the petitioner.

As regard to the fourth gantry the KMDA intends to refund the money as the same cannot be handed over to the petitioner. The learned advocate for KMDA submits that some time is required for the purpose of assessment of the amount that is to be refunded to the petitioner.

As admittedly the gantries, one at Eastern Metropolitan By-pass near Science City More and the other at E. M. Bypass Metropolitan, Kolkata (KMDA's existing gantries) could not be handed over to the petitioner for commercial use, accordingly, the respondent No. 2 being the Deputy Secretary, Kolkata Metropolitan Development Authority, Public Relations Cell, shall make the necessary assessment with detailed breakup and intimate the petitioner the amount of money that they will refund on account of not handing over of the said gantries, along with the compensation amount which the petitioner is entitled to receive, within a period of six weeks from the date of communication of a copy of this order.

The petitioner shall be entitled to challenge the amount assessed by KMDA, before the appropriate forum, in accordance with law, if so advised.

The writ petitioner 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.)