

ORDER SHEET

WPO No.86 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Original Side

NUPUR JOSHI
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 1st March, 2021

Mr. Gaurab Kumar Basu, Mr. D. Sengupta, Advocates for the
petitioner.

Mr. Biswajit Mukherjee, Mr. Fazlul Hque, Advocates for K. M. C.

The Court:- The Court in WP No.117 of 2019 (Nupur Joshi Vs. Kolkata Municipal Corporation) passed an order on 2nd August, 2019 directing the Chief Manager (Revenue), Kolkata Municipal Corporation to give a hearing to the petitioner within three weeks from the date of communication of the order and pass a reasoned order and communicate the same to the petitioner within one week thereafter.

The hearing was supposed to be given as to how the amount indicated in the defaulter notice could escalate to Rs.1,58,32,882/- from Rs.4 Lac only.

The petitioner submits that the order of the Court has not yet been complied by the Chief Manager (Revenue), Kolkata Municipal Corporation. It has further been submitted that the Kolkata Municipal Corporation has issued fresh Letter of Intimation dated 6th January, 2020 along with Property Tax, Notice of Demand and directed the petitioner to pay Rs.20,88,947.67/- only. A further notice dated 20th January, 2021 has been issued requesting the petitioner to avail the benefit of the Waiver Scheme, 2020.

The petitioner has made a representation before the Kolkata Municipal Corporation challenging the issuance of the subsequent Notice of Demand and Letter of Intimation by a letter dated 28th January, 2020. The petitioner complains that the same has not been considered by the Kolkata Municipal Corporation till date. The petitioner has given a further notice dated 7th February, 2020 requesting the authority for fixing up a date of hearing in terms of the order passed by the Court on 2nd August, 2019.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation fairly submits that a time may be fixed within which the Chief Manager (Revenue), Kolkata Municipal Corporation may be directed to comply with the direction which was passed by the Court on 2nd August, 2019.

It appears that there is already a direction upon the Chief Manager (Revenue), Kolkata Municipal Corporation to decide the issue, but the same has not been decided by the said authority till date, though the time to comply with the same had expired long back. For ends of justice this Court once again extends the time for complying the order which was passed on 2nd August, 2019.

The Chief Manager (Revenue), Kolkata Municipal Corporation is directed to give an opportunity of hearing to the petitioner within a period of four weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter. The impugned Letter of Intimation dated 6th January, 2020 and the Notice of Demand shall not be given effect to by the Kolkata Municipal Corporation till a decision is taken by the Chief Manager (Revenue), Kolkata Municipal Corporation in this regard.

WPO No.86 of 2021 is disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously, on compliance of usual legal formalities.

(AMRITA SINHA, J.)

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