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W.P.O. No. 461 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

JITENDRA KUMAR SUDAN
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 29th January, 2021.

Appearance :
Mr. Raghunath Bhattacharya, Adv.
...for the petitioner

Mr. Biswajit Mukherjee, Adv.
Mr. Gopal Chandra Das, Adv.
...for KMC

The Court: The valuation of the petitioner's property was assessed at Rs.98,430/- only. Being aggrieved by the same, the petitioner approached the Municipal Assessment Tribunal and by an order dated 27th November, 2019, the Tribunal fixed the valuation of the property at Rs.74,460/- only.

The petitioner has filed the instant application praying for a direction upon the Kolkata Municipal Corporation to either refund or adjust the excess payment that was made by him in terms of the valuation assessed by the Kolkata Municipal Corporation.

The learned Advocate for the Kolkata Municipal Corporation submits that he is not aware as to whether any revision has been filed against the order passed by the Municipal Assessment Tribunal.

Be that as it may, it appears from records that the valuation of the property of the petitioner has been revised and refixed by reducing it at Rs.74,460/- from Rs.98,430/- the Corporation is under an obligation to refund or adjust the excess payment which they are holding right now.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 5 being the Assessor Collector (South) to take necessary steps for either refunding the excess amount that they are holding or to adjust the same in terms of the order passed by the Municipal Assessment Tribunal in M.A.A. No. 2521 of 2014.

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.)

TO