

3.2.2022
Ct. No.19
Sl.no.8
sn

W.P.A. No. 1404 of 2022

Pioneer Publicity Corporation Pvt. Ltd.

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Dipanjan Sinha Roy
....for the petitioner
Mr. Alok Kumar Ghosh
Ms. Piyali Sengupta
..for the KMC

Let affidavit of service be taken on record.

In this writ petition, the petitioner has alleged that the Kolkata Municipal Corporation has not permitted the petitioner to deposit the tender documents in view of the outstanding Land Utilisation Charges (LUC) which was the subject matter of W.P.23182(W) of 2015. According to the petitioner, the said land utilization charges were set aside by this Court. The Kolkata Municipal Corporation preferred an appeal but did not get any order of stay. It is further submitted that in view of the pending litigation being MAT 1611 of 2019, the petitioner will also not be able to submit the Declaration, Appendix D.

Mr. Ghosh, learned advocate for the Kolkata Municipal Corporation submits that the appeal is being heard. That there may be other outstanding dues apart from the Land Utilization Charges.

Having considered the rival contentions of the parties, it appears from page 59 of the writ petition that the

petitioner was informed that apart from the land utilization charges, no other dues against the advertisement fee, charges etc. were payable by the petitioner. Such intimation was sent by the Manager (Advertisement) KMC, dated January 21, 2022.

Under such circumstances, this writ petition is disposed of with a direction upon the Kolkata Municipal Corporation to grant the petitioner the No Objection Certificate for the participation in the tender process, without claiming the LUC, which is the subject matter of an appeal. As this court had set aside the LUC claimed earlier and held that the law did not permit KMC to claim LUC, no claim towards any LUC will be used as a reason for non-grant of the 'No Objection'. The said No Objection Certificate shall be subject to the result of the appeal. The petitioner shall not be required to file Declaration, Appendix D, for the time being. The tender documents shall be accepted subject to fulfilment of other eligibility criteria. As of January 21, 2022 there are no outstanding dues apart from LUC. However, if there are any other charges payable by the petitioner apart from LUC, the No Objection Certificate shall be given to the petitioner subject to the realisation.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)