

05.04.2022
Court No.13
Item No.16
sp

WPA 5700 of 2022

**Bhatpara Municipality & Anr.
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Dibyendu Chatterjee,
Mr. Pritam Majumdar

... For the Petitioners.

Ms. Ansumala Bansal,
Mr. N.K. Agarwalla

... For the respondent nos. 2 and 6.

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

The writ petitioner/Bhatpara Municipality submits that a lease dated October 13, 2015 executed in favour of the respondent no.6, has since been terminated on January 27, 2017. The petitioners are in possession of the said immovable property.

It is submitted that the B.L & L.R.O., Barrackpore-I, Shyamnagar, North 24 Parganas has started to demarcate the said land acting under an order of the National Company Law Tribunal (NCLT), Kolkata Bench in C.P. No. 93/KB/2018. It is submitted that the respondent no.6 has fraudulently claimed title over the said property which, in fact, belongs to the Bhatpara Municipality.

In those circumstances, this Court directs that the B.L. & L.R.O., Barrackpore-I, Shyamnagar, North

24 Parganas shall stay his hands. The petitioner shall apply before the National Company Law Tribunal for variation, recall and/or modification of the said order dated January 31, 2022. The order of the NCLT dated September 30, 2019 passed in C.P. No.93/KB/2018 shall not be executed only in so far as the subject leasehold property is concerned.

The aforesaid order of stay shall abide by the result of any application that the Municipality may make before the NCLT, within a period of one month from date. It is made clear that in default of any application in that regard, all orders passed hereinabove, shall automatically stand vacated.

The NCLT shall hear the Bhatpara Municipality and pass appropriate orders uninfluenced by any observations made hereinabove.

This Court has not entered into the merits, inter vivose, between any of the parties. Since the respondents have not used any affidavits, the allegations made in the writ petition shall not be deemed to have been admitted by them.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)