

Item No. 83

24.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8749 of 2022

Aqua Himalaya @ Aqua Himalaya India Pvt. Ltd.
v.
Kolkata Municipal Corporation & Ors.

Mr. Amitava Pain
Mr. Noni Gopal Chakraborty
... for the petitioner.

Mr. Alok Kumar Ghosh
Mr. Swapan Kumar Debnath
... for KMC.

The petitioner's grievance is that the certificate of enlistment which was issued in the name of Aqua Himalaya was not renewed and the online portal of the Kolkata Municipal Corporation mentions that the certificate of enlistment has been closed on March 23, 2022.

The petitioner intends to continue with the business and seeks renewal of the certificate of enlistment.

A representation was made before the Kolkata Municipal Corporation praying for renewal of the certificate of enlistment on April 20, 2022. The petitioner alleges that the same has not been considered till date.

Learned advocate representing the Kolkata Municipal Corporation submits that the certificate of enlistment was issued in favour of a partnership firm. The partnership firm stood dissolved and one of the partners of the erstwhile partnership firm applied online for closure of the business.

It has been submitted that presently all steps are taken online and there is no physical involvement of any officer of the Corporation either at the time of enlistment or closure of enlistment certificate.

It has been submitted that the Corporation may look into the matter, provided a fresh application for enlistment is made.

As it appears that the representation filed by the petitioner seeking renewal of the certificate of enlistment is pending consideration at the end of the Kolkata Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the respondent no. 5 to take into consideration the representation filed by the petitioner seeking renewal/issuance of the certificate of enlistment.

The aforesaid respondent shall give an opportunity of hearing to the representative of the petitioner and the erstwhile partner of the petitioner and pass a reasoned order at the earliest but positively

within a period of six weeks from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

The petitioner is directed to forward a copy of the application seeking renewal of license to the aforesaid respondent at the time of communicating the order of this Court.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)