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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/163/2020
with
WPO/460/2019
IA NO:GA/1/2021
GA/2/2022

KANAK PROJECTS LIMITED AND ANR.
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

APO/10/2021
with
WPO/460/2019
IA NO:GA/1/2021
GA/2/2022

KANAK PROJECTS LIMITED AND ANR.
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE SUBRATA TALUKDAR
AND
The Hon'ble JUSTICE SAUGATA BHATTACHARYYA
Date : 16TH DECEMBER, 2022.

__Appearance:__
Mr. Arindam Banerjee, Advocate
Mr. Pratik Ghose, Advocate
Mr. Avishek Roy Chowdhury, Advocate
...for appellants

Mr. Alak Kumar Ghosh, Advocate
Mr. Subhrangsu Panda, Advocate
Ms. Ina Bhattacharyya, Advocate
...for KMC

The Court : Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Both the appeals raise an analogous point and are, therefore, taken up jointly for consideration. The appellants in both the appeals are common, so are the respondents, who are the Kolkata Municipal Corporation (KMC) and others.

Aggrieved by the judgement and order of the Hon'ble Single Bench in the original writ petition being WP(O) 460 of 2019 dated 25th September, 2020, the appellants, Kanak Projects Limited and another, have filed one of the present appeals being APO/10/2021.

Being further aggrieved by the dismissal of the review application being RVWO/10/2020 by the order dated 17th December, 2020 by refusing review of its parent order dated 25th September, 2020 also by the said Hon'ble Single Judge, the appellants have filed another appeal being APO/163/2020, which is also presently listed.

Mr. Banerjee, learned counsel appearing for the appellants in both the appeals, draws the attention of this Court to a resolution of the Hardship Redressal Committee [for short, 'HRC'] of the KMC which, inter alia, considers the quantum of property tax to be paid by the appellants in respect of the building, which is a heritage building in the name and style of 'Kanak Building' and submits that the property tax, as resolved by the HRC, has obtained the recommendation of the Mayor-in-Council followed by the approval of the Corporation.

It is submitted that the appeal against the parent order in the writ petition being APO/10/2021 has, in view of the acceptance by the KMC of the quantum of property tax to be paid by the appellants, now become infructuous.

It is further submitted that in view of the appeal against the parent order in the writ petition having become infructuous, on the basis of the facts as stated above, nothing survives in the review application too.

Mr. Ghosh, learned Counsel, appears for the KMC and does not dispute the above position of facts connected to the acceptance by the KMC with regard to the resolution of quantum of property tax to be paid by the appellants.

Considering the above scenario and law as applicable, APO/10/2021 stands dismissed as not pressed. The connected application also stands dismissed.

APO/163/2020 stands dismissed as not maintainable. The connected application also stands dismissed.

There shall be no order as to costs.

In view of dismissal of the two appeals, any cost imposed also stands dropped.

Learned Registrar General, High Court at Calcutta, to act accordingly.

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

[SAUGATA BHATTACHARYYA, J.]   [SUBRATA TALUKDAR, J.]

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