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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1121/2022

MD. KHATEEB KAMRAN AND ORS.
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 2nd March, 2022.

Appearance :
Mr. Debanik Banerjee, Adv.
Mr. S. S. Biswas, Adv.
... for the petitioners.

Mr. Biswajit Mukherjee, Adv.
Mr. Arijit Dey, Adv.
... for the KMC.

The Court: The petitioners are aggrieved by a letter of intimation issued by the Municipal Commissioner, Kolkata Municipal Corporation demanding a sum of Rs. 2,25,67,540/-. According to the petitioners, the amount of interest and penalty claimed was exorbitant and the petitioners were not in a position to pay off the entire dues. The petitioners submit that approximately an amount to the tune of Rs. 24 Lakhs has been paid. The petitioners submit that efforts to pay a substantial amount, as demanded, would be made. A prayer is made that the authority may be directed to use their good offices in granting a rebate or a reduction or a concession or a waiver in respect of the total dues.

It is further noted that the tax waiver scheme which was permitted by the Corporation for 100% waiver of the interest and penalty has expired on March 31, 2021. It is submitted by the petitioner that the petitioner was not aware of the said waiver scheme and as such could not avail of the opportunity to come under the said scheme.

The Court considers the bona fide intention of the petitioner to pay off a substantial portion and as such, is of the opinion, that the authority concerned may consider the prayer of the petitioner sympathetically and also if possible, in accordance with the waiver scheme which has since expired. The letter of intimation clearly provides an opportunity to the petitioner to approach the authority with regard to the demand and make his submissions before the authority.

Under such circumstances, the writ petition is disposed of with the observations made hereinabove and by directing the petitioner to approach the Chief Manager(Revenue), South with his prayer and his request which has been made before the Court. It is expected that the said authority shall consider the view of the Court and the prayer of the petitioner and pass a reasoned order upon hearing the petitioner. The reasoned order shall be passed and intimated to the petitioner within a period of two months from receipt of the representation of the petitioner.

No coercive steps with regard to the amount demanded in the letter of intimation shall be taken in the meantime.

The writ petition is disposed of.

There will be, however, no order as to costs.

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

(SHAMPA SARKAR, J.)

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