

RVWO/12/2022
with
APO/5/2022
WPO/983/2016
IA NO:GA/1/2022

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

BROADWAY CENTRE AND ANR.
Versus
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 21ST NOVEMBER, 2022.

Appearance:

Mr. L. K. Gupta, Sr. Advocate
Mr. R. N. Chakraborty, Advocate
...for appellants

Mr. Biswajit Mukherjee, Advocate
Mr. Gurudas Mitra, Advocate
Mr. Debangshu Mondal, Advocate
Ms. Manisha Nath, Advocate
...for KMC

Ms. Tapati Samanta, Advocate
...for State.

THE COURT: The judgement and order dated March 25, 2022 delivered by this Bench, whereby APO/5/2022 along with the connected application were dismissed, is the subject matter of this review application.

The appeal was preferred against a judgment and order dated January 25, 2021, whereby a learned Single Judge of this Court

dismissed the appellants' writ petition challenging annual valuation of the premises in question for certain periods. The learned Single Judge was of the view that the conduct of the writ petitioners lacked in bona fides. A huge amount of money on account of property tax is due to the Corporation. To the learned Judge's query as to how much the writ petitioners were prepared to deposit by way of interim measure to show their bona fides, the writ petitioners could not make any offer. The learned Judge was also of the view that the writ petitioners were not entitled to reopen old assessments for various periods over the last two decades. The learned Judge dismissed the writ petition with costs assessed at Rs.1 lakh.

We affirmed the order of the learned Judge in appeal. We recorded our opinion that the appellants were sleeping over their rights. There was undue delay on their part in approaching the learned Judge. Delay defeats equity. We also recorded our view that the appellants have not come with clean hands. A litigant, who approaches a Court of equity, must do equity, which the appellants have not done.

We recorded the judgements cited on behalf of the appellants and we also recorded our view as to why those judgments would not help the appellants.

In view of the aforesaid, we cannot accept the submission made on behalf of the review applicants that the judgments cited on behalf of the

appellants have not been dealt with in the order under review which amounts to error apparent on the face of the order.

We find no ground to review our earlier order. In review jurisdiction, this Court will not act as an appellate court. The review application is, accordingly, dismissed.

(ARIJIT BANERJEE, J)

(KAUSIK CHANDA, J.)

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