

OD -4

ORDER SHEET

WPO No.2806 of 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

TODI TEA CO. LTD. & ANR.
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 10th November, 2022.

Appearance:

Mr. Subrata Basu, Adv.
Mr. Deepak Kumar Jain, Adv.
..for the petitioners.

Mr. Biswajit Mukherjee, Adv.
Mr. Swapan Kumar Debnath, Adv.
Mr. Debangsu Mondal, Adv.
..for KMC.

The Court:-Matter relates to a portion of the premises No.2, Lal Bazar Street, Kolkata-700 001.

The Fast Track Settlement Committee (FTSC) assessed the property tax of the petitioners in the meeting held on 24th September, 2021 and directed payment of Rs.2,03,54,233/-. The FTSC considered that out of the aforesaid outstanding amount a sum of Rs.75,00,000/- (inadvertently mentioned as Rs. 55,000/-) is lying in the Suspense Account. The said amount was to be paid by 31st March, 2022. The aforesaid decision of the Committee was communicated to the petitioners in February, 2022.

By a communication dated 14th June, 2022, the petitioners sought for certain details including the break-up of the outstanding dues from the Kolkata Municipal Corporation. The said has not been forwarded to the petitioners till date.

A further notice of demand dated 22nd September, 2022 was sent to the petitioners disclosing the demand of Rs.9,66,27,277.72p only and the said demand was to be cleared by 31st September, 2022.

On receipt of the aforesaid notice, the petitioners again submitted a letter demanding justice dated 27th September, 2022 reiterating the prayer for forwarding the break-up of the amount indicated in the order passed by the FTSC.

The petitioners submit that as a sum of Rs. 75,00,000/- has already been deposited before the Kolkata Municipal Corporation and the same is lying in the Suspense Account, accordingly, the petitioners would be liable to pay the balance amount only. It has been contended that the petitioners are entitled to know the break-up of the demand raised by the Corporation.

Learned advocate representing the Kolkata Municipal Corporation submits that as the representation of the petitioners seeking the details and the break-up of the amount demanded is pending consideration at the end of the respondent authority, accordingly necessary direction may be passed for consideration of the same subject to the petitioners making payment of the balance amount that is due and payable as per the order passed by the FTSC.

None appears on behalf of the respondent nos.5, 6 & 7.

It appears that the FTSC by an order dated 24th September, 2021 considered the outstanding dues of the petitioners and restricted the demand to Rs. 2 crore and odd. Subsequent notice of demand discloses an outstanding amount of Rs. 9 crore and odd. Rs. 75 lakh is lying in the Suspense Account. The Kolkata Municipal Corporation ought to provide the break-up of the outstanding dues to the petitioners.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 3 to consider the representation filed by the petitioners on 25th June, 2022 after giving an opportunity of hearing to the representative of the petitioner no.1, respondent nos. 5, 6 & 7 at the earliest but positively within a period of eight weeks from the date of communication of this order. The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

Till a decision is taken by the aforesaid respondent upon consideration of the representation of the petitioners, no coercive action shall be taken in respect of the outstanding dues of the petitioners.

Leave granted to the learned advocate for the petitioners to forward a copy of the representation dated 15th June, 2022 along with all supporting documents to the aforesaid respondents at the time of communicating the order of this Court.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)