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IN THE HIGH COURT AT CALCUTTA
CIVIL APPEALLATE JURISDICTION
ORIGINAL SIDE

APO 101 of 2022
With
WPO/2587/2022
IA NO:GA/1/2022
ANJANEYA REAL ESTATE DEVELOPER LLP AND ORS.
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE APURBA SINHA RAY

Date : 1ST DECEMBER, 2022.

Mr.Sabyasachi Chaudhury,Advocate
Mr. Deepan Kumar Sarkar, Advocate
Ms.Mudrika Khaitan,Advocate
...for appellants.
Mr. Alak Kumar Ghosh,Advocate
Mr. Debangshu Mondal, Advocate
...for KMC

THE COURT: Today Mr.Chaudhury, learned Advocate for the appellants has filed a Computation Sheet showing the amount payable by the appellants to the Corporation applying the rate which was prevalent on January 4, 2021 for the financial year 2020-21. Rates of retention charges were made available by Mr.Ghosh, learned Senior Counsel for the Corporation to the learned Advocagte-on-record for the appellants and on the basis thereof, computation has been made by Mr.Chaudhury's client. Obviously, the amount will be different if the rates for the financial years 2021-2022 or 2022-23 are applied. It has to be decided by the Court, the financial rate for which year should be made applicable in the present case. In fact, that is the only point that perhaps survives in the writ petition which is pending before the learned single Judge.

This appeal is from an interim order. We have modified the order. We feel that the writ petition should be taken to its logical conclusion before the learned single Judge. All points are left open. Learned single Judge is requested to decide as to the rate of which financial year will apply for computing the retention charges to be paid by the writ petitioners to the Corporation.

Mr.Ghosh says that since the appellants have admitted that applying the rates for the financial year 2020-21, the amount payable is approximately 41.27 Lakhs, such admitted amount should be deposited with the Corporation after giving credit for the sum of Rs.30 Lakhs which has already been deposited. The Corporation shall be at liberty to make this prayer before the learned single Judge.

Mr.Chaudhury says that the six sheets of paper bearing Page Nos.14 to 19, must be part of some document, but the entirety of such document has not been made available. Mr.Ghosh says that these pages are part of the KMC Budget for the financial year 2020-21. Mr. Ghosh says that covering page of the document shall be made available to the appellants.

We clarify that we have not gone into the point as to which rate will apply for computation of the retention charges. We have also not gone into the point of correctness or otherwise of the computation made by the appellants which have been filed before us today.

The appeal and the connected application are disposed of.

(ARIJIT BANERJEE, J)

(APURBA SINHA RAY, J.)

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