

Item No.5

In The High Court At Calcutta
Special Jurisdiction
Appellate Side

08.06.2023
Ct-24

CPAN 244 of 2022
Sujit Sankar Kundu
v.
Debasis Ghosh
in
WPA 13700 of 2019

Mr. Satyaranjan Kundu
... for the petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
... for BMC.

The application of the petitioner seeking mutation in respect of Flat No. 202 (2nd Floor), Shresta Garden in Block-E of the construction cannot be processed allegedly for non-issuance of the Completion Certificate in respect of the apartment in question.

The petitioner has relied upon a document issued by the erstwhile Rajarhat-Gopalpur Municipality on July 15, 2014 regarding issuance of occupation certificate in respect of Block-B.

There is nothing on record to show that Completion Certificate was issued in respect of any of the apartments in Block-E of the subject premises.

Learned advocate representing the Bidhannagar Municipal Corporation has produced records to show that application fee was never paid for issuance of Completion Certificate in respect of any of the apartments in Block-E of the subject construction.

It appears that a building plan was sanctioned in respect of Block-E of the subject construction but no payment has been received from any of the applicants for issuance of Completion Certificate in respect of any of the apartments in Block-E.

It has been submitted by the learned advocate representing the Corporation that the petitioner may apply for issuance of Completion Certificate upon payment of necessary charges. In the event application is made in the prescribed format along with the necessary fees for obtaining the Completion Certificate, then steps shall be taken by the Bidhannagar Municipal Corporation for issuance of the same.

In view of the above, the contempt application is disposed of by granting liberty to the petitioner to make fresh application for obtaining the Completion Certificate in the prescribed format along with the necessary charges. If the same is made, then the Corporation shall take steps to proceed with the same and thereafter take further consequential steps to effect mutation in favour of the petitioner.

It goes without saying that a formal application for mutation in the prescribed format along with the necessary charges shall be paid by the petitioner for obtaining mutation in respect of the apartment in question.

The Corporation shall take steps in the matter at the earliest but positively within a period of twelve weeks from the date of receipt of the application for issuance of Completion Certificate and upon payment of the necessary charges.

The contempt application stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)