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10.10.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 9111 of 2023

**Jitendra Singh
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Sukanta Das.
...For the Petitioner.**

**Mr. Alak Kumar Ghosh,
Mr. Sondar Gopal Bhattacharyya.
...For KMC.**

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

The petitioner is liable to pay fees amounting to Rs.11,59,059/- only on account of renewal of his licence.

The petitioner was directed to deposit the amount within a month by order dated 11th February, 2023.

On his failure to clear the dues, the Corporation issued a show cause notice in March 2023 as to why action will not be taken against him for non-payment of the licence fees.

The petitioner submits that he is agreeable to pay the amount provided certain installment is granted in his favour. It will be very difficult for the petitioner to arrange for the aforesaid amount in one go.

It appears from the documents annexed to the writ petition that the licence in question expired in January 2018 and since thereafter the petitioner did not pay the licence fees. The petitioner, however, is carrying on with the business.

As the petitioner is interested to carry on with the business, accordingly, he will be bound to pay the licence fees demanded by the Corporation.

The petitioner prays for a sympathetic consideration permitting installment for clearing the dues.

Learned advocate appearing for the Corporation submits that the petitioner is deliberately not paying the licence fees or the electricity charges and is permitting the dues to pile up. The action of the petitioner cannot be supported in law.

It appears that the prayer for making payment by way of installment was duly considered and rejected vide order dated 11th February, 2023.

At this stage, there is hardly any scope for directing the Corporation to grant installment for clearing the dues.

However, as the Corporation has permitted the petitioner to continue his business and the Corporation will be entitled to the money on account of licence fees, accordingly, the Corporation may consider the prayer of the petitioner sympathetically and grant installment so that the money may be cleared by him.

It is made clear that if the payment is not cleared by 31st January, 2024, then it will be open for the Corporation to take necessary steps in accordance with law.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)