

02. 28.07.2023
Court No.6
Tanmoy Ghosh

MAT 1024 of 2023

**M/s Shivsons
-Versus-
Kolkata Municipal Corporation & Ors.**

**With
IA No: CAN/2/2023**

Mr. Ankit Agarwala, Adv.,
Mr. Nilay Sengupta, Adv.,
Mr. Sujit Banerjee, Adv.

...for the appellant/
writ petitioner.

Mr. Biswajit Mukherjee, Adv.,
Ms. Manisha Nath, Adv.

...for the KMC.

By consent of the appearing parties, the appeal and the connected application are taken up together for hearing.

Leave is granted to the appellant to withdraw the appeal with liberty to approach the learned Single Judge with appropriate application.

This we have permitted since the writ petition was 'dismissed for default' by an order dated January 19, 2023.

Mr. Agarwala, learned Advocate for the appellant/writ petitioner, argues that the demand of the Corporation for the sum of rupees twenty eight lakh and odd is not maintainable in law and hence the appellant should not be directed to deposit Rs.25,00,000/-

(Rupees twenty five lakh) as was directed by the order dated January 17, 2023.

We are not inclined to touch the merits of the case at all. The appellant will be at liberty to urge all points including the point indicated above before the learned Single Judge.

The appeal being MAT 1024 of 2023 and the connected application being IA No: CAN/2/2023 are accordingly disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)