

Item No. 21

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.10.2023
Ct-24

WPA 15312 of 2023
Shalimar Chemical Works Private Limited
v.
The Kolkata Municipal Corporation & Ors.

Mr. Ayan Banerjee
Mr. Soumo Chaudhury
... for the petitioner.

Mr. Gopal Chandra Das
... for KMC.

The petitioner is aggrieved by the demand raised by the Kolkata Municipal Corporation under Section 333 of the Kolkata Municipal Corporation Act, 1980 for renewal of the certificate for enlistment.

An objection was filed before the Deputy Licensing Officer in May 2023 but the same is pending consideration till date.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, a committee has been constituted for resolving the issues arising out of implementation of the charges/ fees for removal of the municipal solid waste and the said committee has the sole jurisdiction regarding the financial aspects.

Learned advocate for the Corporation is not aware with regard to the constitution of the committee.

As it appears that an objection is already pending consideration before the Deputy Licensing Officer,

accordingly, the said officer is directed to consider the representation filed by the petitioner in accordance with law after giving reasonable opportunity of hearing to the representative of the petitioner at the earliest but positively within a period of ten weeks from the date of communication of this order.

It will be open for the Deputy Licensing Officer to refer the representation of the petitioner to the committee dealing with the issue for necessary consideration in accordance with the direction passed hereinabove.

A reasoned order shall be passed and communicated to the petitioner.

Learned advocate for the petitioner is directed to forward copy of the representation dated April 28, 2023 received by the licence department on May 2, 2023 at the time of communicating the order of the Court.

Till the matter is decided by the aforesaid respondent, the Corporation is directed not to take any coercive step against the petitioner insisting upon payment of the sum demanded.

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.

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(Amrita Sinha, J.)