

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

W.P.A 21793 of 2023

**Salim Makkar & Ors.
-versus
The Bidhannagar Municipal Corporation &
Ors.**

**Mr. Saptansu Basu, Sr. Adv.
Mr. Subhabrata Das
Mr. Kartick Kumar Goyel.
... For the petitioner.**

**Mr. Tirthankar Dey
... For the BMC.**

The petitioner applied for renewal of the sanction plan, which was initially sanctioned on 5th September, 2013. The application for renewal was made in the year 2017 followed by remainder in the year 2023. The same is pending.

A notice demanding justice was filed by the petitioner through the learned advocate in July, 2023. The same is also pending consideration.

Learned advocate representing the BMC submits that there is no provision under which a plan which stood lapsed on account of expiry of the validity period can be renewed. It has been submitted that the plan was initially valid for three years from the date of its sanction. Had application for renewal been made within the validity period of the plan, then the same could have been renewed for a further period of two years. On completion of five years from the date of initial

sanction, there is no scope for renewing the said plan. The petitioner is required to apply afresh for obtaining the sanction.

Contention of the petitioner is that as there is no specific bar in renewing the sanction plan even if application for renewal is made beyond the period of its validity.

A decision is required to be taken by the Corporation as to whether the application made by the petitioner seeking renewal of the sanction plan can be allowed or not.

The Commissioner, BMC is, accordingly, directed to consider the prayer of the petitioner in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

It is made clear that this Court has not decided the claim of the petitioner for obtaining the sanction and the same is left open to be decided by the Corporation.

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.)