

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/977/2023

M/S. D. DRUKKER & CO. (I) PVT. LTD. & ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE :
THE HON'BLE JUSTICE AMRITA SINHA
Date : 15th May, 2023.

Appearance:

Mr. Arindam Banerjee, Adv.
Mr. Priyanko Banerjee, Adv.
...for the petitioners.

Mr. Biswajit Mukherjee, Adv.
Ms. Koyeli Bhattacharyya, Adv.
...for the KMC.

Mr. Chayan Gupta, Adv.
Mr. Sourav Bhagat, Adv.
Mr. Ritwik Saha, Adv.
...for the respondent no.6.

The Court : The order dated 7th February, 2023 passed by the Hearing Officer allegedly in compliance with the direction passed by this Court on 7th November, 2022 in WPO/2709/2022 is impugned in the present writ petition.

It appears that on 7th November, 2022 the Court remanded the matter back to the Assessor Collector and the Hearing Officer for jointly deciding the issue afresh after giving reasonable opportunity of hearing to the parties. It seems that the Hearing Officer took up the issue and decided the same unilaterally.

As the Court specifically directed the hearing to be conducted conjointly by both the Assessor Collector and the Hearing Officer, accordingly, the order passed by the Hearing Officer independently and unilaterally is certainly not in compliance with the direction passed by the Court.

The Court, at this stage, do not wish to enter into the merits of the matter and is minded to remand the matter back to the Chief Manager (Revenue), Tolly-Tax department to take an independent decision in the matter in accordance with law after giving a reasonable opportunity of hearing to the petitioners and the private respondent.

The Chief Manager (Revenue), Tolly-Tax department shall decide the issue at the earliest but positively within eight weeks from the date of communication of this order. A reasoned order shall be passed and communicated to all the parties.

Leave is granted to the learned advocate on record of the petitioners to implead the Chief Manager (Revenue), Tolly-Tax as party respondent in the instant writ petition. The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the Kolkata Municipal Corporation. The petitioners will, however, be obliged to forward a copy of the writ petition along with all connected documents to the Chief Manager (Revenue), Tolly-Tax at the time of communicating the order of the Court.

The impugned order dated 7th February, 2023 stands set aside.

The writ petition being WPO/977/2023 is, thus, disposed of.

Leave is granted to file affidavit of service in course of the day.

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

(AMRITA SINHA, J.)