

ORDER SHEET
WPO No.1806 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

O. P. SAXENA & SONS, HUF.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 6th December, 2023.

Appearance:
Mr. Arindam Banerjee, Adv.
Ms. Piyali Sengupta, Adv.
Mr. Awadhesh Kumar Rai, Adv.
...for Petitioner.

Mr. Fazlul Haque, Adv.
Mr. Swapan Kr. Debnath, Adv.
...for KMC.

The Court:-The instant writ petition arises from the notice issued by the Kolkata Municipal Corporation in favour of the petitioner for immediate payment of the outstanding dues. According to the petitioner, the assessee number as mentioned in the said notice may be incorrect.

The petitioner submits that there is no tax outstanding in respect of the assessee number against which the petitioner is making payment to the Corporation. A detailed representation has been filed by the petitioner before the Kolkata Municipal Corporation in September, 2023 and the same is alleged to be kept pending.

Learned advocate representing the Kolkata Municipal Corporation submits that necessary direction may be passed upon the Assessor-Collector (South) for considering the said representation.

Without entering into the merit of the submission and the claim made by the petitioner in Court, the instant writ petition is disposed of by directing the Assessor-Collector (South) to consider the representation filed by the petitioner on 29th September, 2023 in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties.

Steps shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of the order. It will be open for the parties to rely upon all documents in support of their stand at the time of hearing.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 29th September, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Till a decision is taken and communicated to the petitioner, let no coercive steps be taken against the petitioner.

Writ petition stands disposed of.

Since the writ petition is disposed of without calling for affidavit, allegations made therein are deemed not to have been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)