

13.12.2024
Court No.13
Item No.3
AP

CPAN 1401 of 2024

Sri Kanad Saha and Anr.

Vs.

**Ms Seuli Banerjee,
Competent Authority under the West Bengal
Apartment Ownership Act 1972**

In

FMA 1314 of 2022

With

CAN 1 of 2022

With

CAN 2 of 2023

With

CAN 3 of 2023

With

CAN 4 of 2023

With

CAN 5 of 2024

**Kendriya Vihar II Apartment Owners Association @
Kendriya Vihar II**

Vs.

The State of West Bengal and Ors.

Mr. Sukanta Chakraborty

Mr. Subhajit Chowdhury

Mr. I. Dutta

... For the Appellant in FMA 1314 of 2022.

Ms. Malabika Saha

... For the applicants in CPAN 1401 of 2024.

Mr. Asish Kumar Guha

Mr. Rajendra Chaturvedi

...For the alleged contemnor.

Mr. Devajyoti Barman

Ms. S.B. Mallick

...For the Respondent Nos.7, 12, & 30.

Mr. Ayan Dutta

Mr. Debarshi Das

Mr. Atanu Bhattacharya

...For the Respondent Nos.8 to 11, 13 to 14,
16 to 19, & 23 to 29.

Mr. Soham Sen
Mr. S. Bhattacharjee

...For the Respondent No.15.

Re: CPAN 1401 of 2024

1. It is submitted that new Board of Directors has taken over management of the housing society. The majority of the apartment owners have made payments upto date. A few apartment owners are yet to make payments. The Board of Directors shall be entitled to take steps in accordance with the bye-laws and/or applicable laws.
2. The apartment owners, who are disputing the demands of the society, may make payments without prejudice to the rights and contentions in accordance with law. The name of the society has since been corrected.
3. The Board of Directors of the society shall be at liberty to collect ad hoc amounts from the residents, who have not yet been paid their dues, for the purpose of restoration of amenities in the society. In case of any unresolved disputes between a particular apartment owner and the society with regard to the dues, appropriate steps may be taken by the parties in accordance with the bye-laws and/or applicable laws.
4. With the aforesaid observation CPAN 1401 of 2024 shall stand disposed of.
5. There shall be no order as to costs.

Re.: FMA 1314 of 2022

6. List the matter in the Monthly List of February, 2025.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)