

27.09.2024
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MAT 1760 of 2024
with
CAN 1 of 2024
With
CAN 2 of 2024

Selvel Advertising Private Limited Company &
Anr.

Vs.

Kolkata Municipal Corporation & Ors.

Mr. Sirsanya Bandopadhyay
Mr. Rahul Kumar Singh
Mr. Subhajit Das
..... for the appellants

Mr. Alak Kumar Ghosh
Ms. Piyali Sengupta
Ms. Manisha Nath
..... for the KMC

In re : CAN 1 of 2024

1. Having perused the averments made in the application for condonation of delay under Section 5 of the Limitation Act the application being CAN 1 of 2024 is allowed. Delay is condoned.

In re : MAT 1760 of 2024
with
CAN 2 of 2024

2. Learned Counsel for the appellants contends an exorbitant demand of Rs.6,29,78,964/- was raised by the Kolkata Municipal Corporation

upon the company under the heading, land utilization charges, permission fees and licence fees for display of advertisement. Amount due and payable to the Corporation is Rs.25,47,213/- only. Hon'ble Single Judge failed to consider this fact and directed deposit of a sum of Rs.1.5 crores in three instalments as a condition of stay of operation of the impugned demand.

3. The order impugned is an interlocutory one and the Hon'ble Judge has exercised discretion with reference to the quantum of the demand raised by the appellants. It cannot be said to be unjust merely on the ground that the appellants had admitted a much lesser amount. Interlocutory orders of discretionary nature ought not to be ordinarily interfered with unless they are perverse or contrary to law. No such vitiating factor has been demonstrated before us.

4. Under such circumstances we are not inclined to interfere with the order impugned.

5. We are informed that the appellants had deposited the first instalment within seven days.

6. We give liberty to the appellants to pay the second instalment within ten days from date and the third instalment by 3rd November, 2024. In the event the appellants make the payments in terms of

the aforesaid direction the impugned demand shall remain stayed.

7. With this observation the appeal and application being CAN 2 of 2024 are disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)