

Item No. 18
28.02.2024
Court. No. 19
GB

C.O. 3186 of 2022

Tara Chand Manot
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Probal Kr. Mukherjee,
Ms. Shebatee Datta

...for the Petitioner.

Mr. Alok Kr. Ghosh,
Mr. Swapan Kr. Debnath,
Ms. Manisha Nath

...for the K.M.C.

The revisional application arises out of an order dated September 8, 2022, passed by the learned Chairman, Municipal Building Tribunal, Kolkata Municipal Corporation in Building Tribunal Appeal No.55 of 2019. In the appeal, an order of demolition is under challenge.

Mr. Mukherjee, learned senior advocate appearing on behalf of the petitioner submits that the learned tribunal rejected the application for condonation of delay in preferring the appeal and thereby rejected the appeal.

In paragraphs 11 to 15 of the application for condonation of delay, the petitioner has elaborately demonstrated the reasons for such delay. First and foremost the petitioner was unaware of the order of the learned Special Officer. Secondly, the learned advocate for the petitioner did not intimate the petitioner about the fate of the matter. A writ petition was also pending in the High Court.

Having considered the explanation, this Court is of the view that sufficient cause had been made for the delay in filing of the appeal. The delay has been explained. The order

impugned is set aside. The application for condonation of delay is allowed. The appeal be registered by the learned Building Tribunal. The learned tribunal shall decide the prayer for interim order within four weeks from the date of communication of this order. Till such time, the corporation shall not take any coercive steps. Thereafter, the corporation may act and proceed in terms of the order of the learned tribunal. The learned tribunal shall decide the appeal within three months from the date of communication of this order.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)