

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE

GA/1/2024  
APOT/20/2024  
WITH WPO/1462/2023

SONIA ARORA  
VS  
SUMIT KUMAR DATTA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE  
The Hon'ble JUSTICE PRASENJIT BISWAS  
Date : 26<sup>TH</sup> April, 2024.

*Appearance:*  
*Mr. Pradip Kumar Adv.*  
*Mr. Ram Sewak Rai, Adv.*  
*For applicant*  
*Ms. Labanyasree Sinha, Adv.*  
*Mr. Debdutta Dutta, Adv.*  
*...for respondent no. 1 & 2.*  
*Mr. Alak Kr. Ghosh, Adv.*  
*Mr. Biswajit Mukherjee, Adv.*  
*Mr. Swapan Kr. Debnath, Adv.*  
*For KMC .*  
*Mr. Kaustav Sen, Adv.*  
*Mr. Yashraj Roy, Adv.*  
*For respondent no. 10*

The Court:- By consent of the parties, the appeal and the application are taken up together for hearing and disposal.

An order dated October 18, 2023, passed on the writ petition of the respondent nos. 1 and 2 herein, being WPO/1462/2023, is the subject matter of challenge in this appeal at the instance of the respondent no. 6 in the writ petition.

It appears that the present appellant (in short 'Sonia') is a tenant in respect of a flat at premises no. 6C, Bishop Lefroy Road, Kolkata. There appears to be other tenants at the said premises who are respondent nos. 7, 8 and 9 in the writ petition. A huge amount of property tax, in the region of approximately Rs.1.53 Crore is outstanding in respect of the said premises.

The respondent nos. 1 and 2 in this appeal (in short 'Sumit') are the owners of the said premises. Sumit and another person approached the learned single Judge by way of the present writ petition challenging a distress warrant issued by Kolkata Municipal Corporation (in short 'KMC') in the name of the late mother of Sumit who was the owner of the concerned premises. In such writ petition from time to time orders were passed by the learned single Judge. An order was passed on September 27, 2023 directing Sonia i.e. the appellant herein, to deposit Rs.50,00,000/- with the KMC. Sonia came up in appeal from the said order. The appeal Court did not interfere and sent back the matter to the learned single Judge.

Subsequently, the order dated October 18, 2023, was passed by the learned single Judge which is impugned in this appeal by Sonia. The learned Judge noted that cheques amounting

to Rs.58,00,000/- and Rs.6,92,500/- drawn in favour of the KMC by one of the tenants being Kohlbros Wireless Solution LLP, were dishonoured by the Bank since payment of one such cheque was stopped by the drawer and the other one for insufficient funds.

The learned Judge passed the following order:

*“The Corporation has already put up a padlock on the portions occupied by the respondent nos. 7, 8 and 9. It will be open for the Corporation to put padlock on flat no. 3 in the first floor of the premises no. 6C, Bishop Lefroy Road, Kolkata – 700 020 which is under occupation of the tenant Sonia Arora, respondent no. 6 in the writ petition.*

*List the matter once again 12.12.2023.”*

Being aggrieved, the respondent no. 6 in the writ petition is before us by way of this appeal.

Learned Advocate for the appellant says that some time may be granted to the appellant to negotiate with KMC to come to a settlement. Mr. Ghosh, learned senior Counsel representing KMC, on instruction, says that there is no question of any settlement. The property tax that has fallen due has to be paid.

We are of the view that the learned Judge did not commit any error in passing the order which is sought to be impugned in

this appeal. In any event, it is an interim order. The writ petition is pending before the learned single Judge. The appellant herein will be at liberty to urge all points before the learned single Judge as she may be entitled to in law. The order under appeal warrants no interference.

Accordingly, the appeal and the connected application fail and are dismissed.

There will be no order as to cost.

Since we have not called for affidavits, the allegations made in the stay application are deemed not to have been admitted by the respondents.

(ARIJIT BANERJEE, J)

(PRASENJIT BISWAS, J.)

dg/