

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/426/2024

AL BURHAN ENGINEERING CO. PVT. LTD.

VS

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 22nd May, 2024.

Appearance:

Mr. Samrat Chowdhury, Adv.

Mr. Suman Chatterjee, Adv.

Ms. Parna Dutta, Adv.

...For the Petitioner

Mr. AlakKr. Ghosh, Adv.

Mr. Swapan Kr. Debnath, Adv.

...For the KMC

The Court: The amount mentioned in the notice under Section 219(1) of the KMC Act, 1980 dated 28th December, 2023 is claimed to be paid by the petitioner who is one of the lessees of the subject premises. Consequent to issuance of the distress warrant padlock was put on four flats and one shop room by the Assistant Assessor Collector (Building) on 29th December, 2023.

The petitioner submits that as the amount indicated in the notice under Section 219(1) had been paid, accordingly, the Corporation ought to remove the padlock.

Learned counsel representing the Corporation submits that as the payment was not made within the time specified in the distress warrant, the tax

due went upto Rs, 1,50,91,647/- as on 21st May, 2024. Till the petitioner pays the balance amount, the padlock ought not to be directed to be opened.

As there has been delay in making payment, the amount due increased. The petitioner would be liable to pay the balance amount which has remained unpaid. However, as the notified amount has been paid, accordingly, the Corporation is directed to remove the padlock by 29th May, 2024.

In future if the petitioner fails to clear the outstanding dues on time, it will be open for the Corporation to take necessary steps, in accordance with law, for recovering the said dues.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)

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