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IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/214/2024
WITH
WPO/362/2024
IA NO: GA/1/2024

INDIAN CITY PROPERTIES LTD AND ANR
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE JOYMALYA BAGCHI
AND

The Hon'ble JUSTICE GAURANG KANTH

Date : 5th August, 2024.

Appearance:

Mr. Arindam Banerjee, Adv.
Ms. Arpita Saha, Adv.
Mr. Ashis Kr. Mukherjee, Adv.
Mr. Saurabh Prasad, Adv.
... for the petitioner.

Mr. Alak Kr. Ghosh, Adv.
Ms. Piyali Sengupta, Adv.
... for the KMC.

Ms. Anjusri Mukherjee, Adv.
Ms. Susmita Biswas Chowdhury, Adv.
... for the State.

The Court: Mr. Banerjee, learned Advocate submits that the Hon'ble single Bench has illegally not protected his client from realization of the arrear tax under the provisions whose vires has been assailed. Law, even if assailed, has a presumption of constitutionality. Taking into consideration of such proposition, the Hon'ble Single Bench was right in not injuncting the operation of Section 232B as well as proviso to Section 180(2) of the Kolkata Municipal Corporation Act. The issue as per the

impugned order was to be thrashed out upon exchange of affidavits. Interest of the appellants were well protected as liberty was given to them to approach the Hon'ble Judge in the event any coercive step is taken by the respondent Corporation.

We find no reason to interfere with the impugned order. We make it clear, it shall be open to the appellants to seek appropriate relief before the Hon'ble Single Bench in the event any coercive step is initiated against them as per law or otherwise.

Time to file affidavit-in-opposition is extended by four weeks from date. Reply, if any, thereto be filed within two weeks thereof.

Parties may not embarrass the Hon'ble Single Bench by seeking further extension of time to file their respective pleading.

With these observations, the appeal along with the application is dismissed.

(GAURANG KANTH,J.)

(JOYMALYA BAGCHI, J.)