

OCD-2

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE  
(COMMERCIAL DIVISION)

APOT/297/2024  
WITH CS-COM/1/2024  
IA NO: GA-COM/1/2024  
KONSORTIA PROJECT PVT LTD.  
VS  
MOHIT LAL SEAL AND ORS.

BEFORE :  
HON'BLE JUSTICE I. P. MUKERJI  
-A N D-  
HON'BLE JUSTICE BISWAROOP CHOWDHURY  
DATE : August 21, 2024.

Appearance :  
Mr. Abhrajit Mitra, Sr. Adv.  
Mr. Krishnaraj Thakker, Adv.  
Mr. Chayan Gupta, Adv.  
Mr. Rittick Chowdhury, Adv.  
Mr. Dwip Raj Basu, Adv.  
...for appellant.  
Mr. Rahul Karmakar, Adv.  
Mr. S.K. Poddar, Adv.  
Mr. Abir Lal Chakravarty, Adv.  
...for defendants 10 & 11  
Mr. Debnath Ghosh, Adv.  
Mr. Sudersan Roy, Adv.  
Mr. Debayan Ghosh, Adv.  
Mr. Deep Narayan Mukherjee, Adv.  
Mr. Diptarke Majumdar, Adv.  
...for respondents 1 - 9  
Mr. Sabya Sachi Chowdhury, Adv.  
Mr. Shounak Mukhopadhyay, Adv.  
Mr. Kallol Saha, Adv.  
Mr. M. Roy, Adv.  
...for respondent 12

The Court :- Order in terms of prayer (a) of the stay petition.

Having heard learned counsel for parties, we are in a position to dispose of this appeal, dispensing with all formalities.

We modify the impugned judgment and order dated 6<sup>th</sup> August, 2024 to the following effect :

The owner/sub-lessee shall be at liberty to make the required application before the municipal authority for conversion of the use of the subject premises. The authority shall be at liberty to process the said application and propose a decision. By the time the decision is made, we are hopeful that the interim application will be ready to be considered after exchange of affidavits and the court will have an overall view of the prima facie case of the parties.

The proposed decision of the municipal authority shall be placed before the court for approval.

Till disposal of the interim application, the lessee will be able to carry out their business in the usual course without making any long term changes to the structure i.e. without making any capital expenditure.

The appeal (APOT/297/2024) and the connected application (IA No.GA-COM/1/2024) are disposed of.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

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