IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/441/2023
WITH
WPO/1462/2023
IA NO: GA/1/2023

SONIA ARORA
VS.
SUMIT KUMAR DATTA AND ORS.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE APURBA SINHA RAY
Date : 5th January, 2024.

Appearance:
Mr. Prabhat Kr. Srivastawa, Adv.
Mr. Pradeep Kumar , Adv.
Mr. Ram Sewak Rai, Adv.
……for Appellant/petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Biswajit Mukherjee, Adv.
Mr. Swapan Kr. Debnath, Adv.
...for KMC.

Mr. Sakya Sen, Adv.
Mr. Labonyasree Sinha , Adv.
Ms. Nafisa Yasmin, Adv.
Mr. Sayantan Ghosh, Adv.
...for the respondent Nos.1 & 2.

Mr. Altamas Alim, Adv.
Mr. Sumit Biswas, Adv.
Ms. Rajashree Bhowmick, Adv.
For respondent no. 8.

Mr. Kaustav Sen, Adv.
Ms. Esha Das, Adv.
Ms. Ayesha Iman, Adv.
…for the respondent no.10

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

This appeal is directed against an order dated September 27, 2023, passed by a learned Single Judge of this Court in WPO/1462/2023, being a writ petition filed by the respondent nos. 1 and 2 herein. The appeal is at the instance of the respondent no.6 in the writ petition. The order impugned is interlocutory in nature in the sense that the writ petition is still pending before the learned Single Judge.

The writ petitioners approached the learned Single Judge challenging a demand notice dated June 6, 2023, raised on the predecessor-in-interest of the writ petitioners calling upon the noticee to pay an alleged outstanding amount of Rs.1,53,48,418/- on account of arrear property tax along with interest and penalty thereon. The learned Judge directed the appellant herein, who is the tenant under the owners of the property, to pay a sum of Rs.50 lakh on account of arrear property tax to KMC. Being aggrieved, the respondent no.6 has come up by way of this appeal.

This case has a chequered history. In short, the appellant was inducted as a tenant by the owners of the property in question. The appellant admittedly inducted sub-tenants and has been collecting the rent from them. The appellant has been paying a princely sum of Rs.350/- as monthly rent to the owners. We are told that even that payment has been stopped by the appellant for quite some time. The annual valuation of the property went up because of sub-tenants being inducted. As a result, the incidence of property tax also increased substantially. The owners are getting nothing from the property. The appellant is collecting rent from the sub-tenants.

In the above factual scenario, balancing the equities, the learned Judge directed the appellant herein to pay Rs. 50 lakh on account of arrear property tax. Prima facie, we do not see any infirmity in the order. The writ petition is still pending. It would be open for the appellant to urge all issues as may be available to her in law, before the learned Single Judge. We are not inclined to interfere with the order under appeal.

The appeal and the connected application are, accordingly, disposed of.

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

(ARIJIT BANERJEE, J)

(APURBA SINHA RAY, J.)

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