

09.09.2025
SL No.14 wt Suppl. 1
Court No.16
(gc)

**FMAT 327 of 2025
CAN 1 of 2025**

**Artistery Properties Private Limited & Anr.
Vs.
Sunil Kumar Roy & Ors.**

With

**FMAT 372 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Kolkata Metropolitan Development Authority
Vs.
Sunil Kumar Roy & Ors.**

Mr. Jishnu Saha, Sr. Adv.,
Mr. Rishav Medora,
Mrs. Ramya Hariharan,
Mr. Soumyajit Saha,
Mr. Subhradip Roy
...for the Appellants.
Mr. Subrata Chakraborty,
Mr. Anindya Halder
...for the Respondent Nos.1 to 6.
Mr. Debangshu Dinda
...for the Respondent No.8.
Mr. Sayajit Taludar,
Mr. Avishek Guha,
Mr. Subhojit Das,
Mr. Arindom Chatterjee
...for the K.M.D.A./
Respondent No.10
In FMAT 327 of 2025
&
...for the Appellant/KMDA
In FMAT 372 of 2025.

**Re: FMAT 327 of 2025
CAN 1 of 2025**

1. The appeal is preferred on an apprehension that by reason of the order of status quo with regard to the nature, character and alienation and transfer of suit property till disposal of the suit,

the appellants may be prevented from opening an Out Patient Department in the already existing building. However, we do not find any such restrictions have been imposed by the learned Trial Court.

2. The said order, in our view, does not prevent the appellants from opening Out Patient Department for extending the medical facilities in the already existing hospital premises or in the adjoining premises presently allotted to the appellants by KMDA subject to any permission that would be required from statutory authorities.
3. We have only clarified the order impugned.
4. We make it clear that we have not gone into the merits of the matter.
5. Accordingly, the appeal and the application are disposed of.
6. However, there shall be no order as to costs.

**Re: FMAT 372 of 2025
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CAN 2 of 2025**

7. There is a delay of 47 days in preferring the memorandum of appeal.
8. Sufficient cause being shown for not being able to prefer the appeal within the period of limitation.
9. The delay of 47 days in preferring the appeal is hereby condoned.

10. Accordingly, the application for condonation of delay, being CAN 1 of 2025, is allowed and disposed of.
11. This appeal is arising out of the same order and hence disposed of in terms of the aforesaid order.
12. In view of disposal of the appeal, the stay application is also disposed of.
13. However, there shall be no order as to costs.
14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)