

24.09.2025.
Court No. 13
Sl. No. 18
pk

MAT 1371 of 2025
I.A. No. CAN 1 of 2025

Binay Chandra Jha @ Binoy Chandra Jha
Versus
Howrah Municipal Corporation and others

Mr. Gautam Dey,
Mr. Abhijit Mondal,
Ms. Ankita Ghosh

...for the Appellant.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

...for the Howrah Municipal Corporation.

1. Affidavit of service filed in Court is taken on record.
2. The appellant is aggrieved by an order dated 06.08.2025 passed by the Single Bench of this Court.
3. The appellant is aggrieved that the private respondent has constructed two additional floors over and above the original sanctioned of G+3.
4. It was submitted by the private respondent before the Single Bench that he has paid retention money of about Rs.29 lacs to the Howrah Municipal Corporation pursuant to a regularization drive initiated the then Mayor-in-Council.
5. Counsel for the parties submit that the retention money of Rs.29 lacs was for the original G+3 which itself was without a sanctioned plan.

6. It appears from the impugned orders that both the Municipality as well as the respondents have sought for time to file affidavit-in-opposition to the writ petition.

7. Since the issue of any unauthorized construction or otherwise by the private respondent has not been conclusively decided by the Single Bench till date, this Court finds no reason to interfere with the impugned order dated 06.08.2025.

8. The Single Bench shall proceed to decide the matter independently and uninfluenced any observation made in the instant appeal.

9. The parties are at liberty to pray for early hearing before the Single Bench.

10. Hence, the instant appeal shall stand disposed of. Consequently, connected pending application is also disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)