

18.11.2025
Item No. 80
Court No.08.
S. De
266045

MAT 1875 of 2025
With
I.A. No. CAN 1 of 2025

Prudent Infrarealty Private Limited.
...Appellant.
Vs.
State of West Bengal & Ors.
...Respondents.

Mr. Jishnu Chowdhury, Sr. Adv.,
Mr. Aritra Basu, Adv.,
Mr. Abhik Chitta Kundu, Adv.,
...for the appellant.

Mr. Tanmay Mukherjee, Adv.,
Mr. Abhinaba Roy, Adv.,
...for the respondent no.8.

Mr. Ayan Banerjee, Adv.,
...for the respondent no.7.

Mr. Suvra Prakash Lahiri, Adv.,
Mr. Amritlal Halder, Adv., ...for the State.

Dictated by Arijit Banerjee, J.

1. We recorded in our order dated November 13, 2025, that the real grievance of the appellant is that it has been directed to continue maintaining the concerned property subject to the charges being paid by the flat owners. That is an interim order. The writ petition is still pending before the learned Single Judge.
2. We really do not see why the appellant should be aggrieved. The obligation, that has been imposed by the learned Single Judge on the appellant for an interim period, is to be

discharged by the appellant, only if the flat owners pay the applicable charges.

3. The appellant says that several flat owners are not paying the applicable charges. That burden has to be borne by the appellant. This is unfair. Formation of an Association has been interdicted by the learned Single Judge at the instance of the writ petitioner. Had the Association been formed, the responsibility of maintaining the property would have been that of the Association.
4. We clarify that if all the flat owners do not pay the requisite charges for maintenance, it will be open to the remaining flat owners to ensure that the share of the defaulting flat owners is paid to the appellant. In that case, the appellant shall continue to maintain the concerned property subject to further orders of the learned Single Judge.
5. The appellant will furnish to the writ petitioner full particulars of the defaulting flat owners so that the writ petitioner may do the needful in that regard.
6. MAT 1875 of 2025 is, accordingly, disposed of along with the application being I.A. No. CAN 1 of 2025.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)