

36 10-01-2025
AKG
Ct. 15

WPA 26863 of 2023
Durgapur Small Industries Association
Vs.
State of West Bengal & Ors.

Mr. Soumya Majumdar,
Mr. Sandip Chakraborty,
Mr. Koustav Das

...for the Petitioner

Mr. Sandipan Banerjee,
Mr. Arijeet Bhattacharjee,

...for Durgapur Municipal Corporation

Mr. Lalit Mohan Mahata,
Md. Ziaul Haque

...for the State

This writ petition has been filed with a prayer for a direction upon the Durgapur Municipal Corporation to withdraw or waive the toll tax levied by the said Corporation at the leasehold industrial estate in Durgapur.

By an interim order dated December 6, 2024, this Court recorded the submission on behalf of the Durgapur Municipal Corporation that the Corporation would refrain from imposing tolls on any vehicle that does not fall within the purview of Section 102(1)(d)(iii) of the West Bengal Municipal Corporation Act, 2006.

Today, the learned advocate appearing for the petitioner has submitted that the Corporation continues to collect the toll tax. This allegation is disputed by the Corporation, which seeks time to file an affidavit demonstrating compliance with the order dated December 6, 2024.

Mr. L. M. Mahata, learned advocate for the State, submits that the Durgapur Municipal Corporation has not sought prior approval from the State for the collection of toll tax, nor has the State issued any permission for the Corporation to collect toll tax under Section 154 of the West Bengal Municipal Corporation Act, 2006.

The Corporation contends that the relevant area is an industrial zone, where numerous commercial vehicles operate daily, necessitating the maintenance of motorable roads. Therefore, it asserts that it is essential for the Corporation to raise funds through toll tax. The Corporation further claims that the toll charges collected from vehicle owners are exclusively used for the maintenance of the Corporation's roads.

However, I am of the view that, in accordance with Section 154 of the West Bengal Municipal Corporation Act, 2006, the Municipal Corporation is not authorized to collect toll charges without prior approval from the State.

In light of the foregoing, this writ petition is disposed of with the following directions:

The State shall consider the representation of the Corporation regarding the collection of toll charges, as outlined in the letter dated January 29, 2024, which appears at page 10 of the affidavit in opposition filed by the Municipal Corporation. In arriving at its decision,

the State shall provide a fair opportunity for hearing to both the petitioner and the Durgapur Municipal Corporation.

The exercise shall be completed within a period of three months from the date of this order.

It is clarified that unless the State grants permission for the collection of toll charges in accordance with Section 154 of the West Bengal Municipal Corporation Act, 2006, the Corporation shall not levy any toll charges from motor vehicles operating within the jurisdiction of the Durgapur Municipal Corporation.

It is also clarified that the State's decision shall be made independently, without being influenced by any observations made in this order.

Accordingly, **WPA 26863 of 2023** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)