

RVWO/14/2025
IA No.GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

M/s. M WALTERS AND CO.

-Versus-

PRADEEP KUNDALIA AND ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 6th May, 2025.

Appearance :

Mr. Amales Ray, Sr. Adv.
Ms. Mousumi Bhowal, Adv.
Mr. Ishan Bhattacharya, Adv.
...for the applicant.

Mr. Saptangsu Basu, Sr. Adv.
Ms. Vijaya Bhatia, Adv.
Mr. Ganesh Prasad Shaw, Adv.
Ms. Harshit Thirani, Adv.

Mr. Alak Kumar Ghosh, Adv.
Ms. Sima Chakraborty, Adv.
...for the KMC.

The Court : Review applicant seeks review of the judgment and order dated February 27, 2025 passed in APO/18/2024 and APO/20/2024 along with all connected applications therein.

Learned advocate appearing for the review applicant submits that, the review applicant seeks review of the findings recorded in paragraphs 63 and 67 of

the judgment and order dated February, 27, 2025. He submits that, his client purchased the entirety of the ground floor. According to him, the judgment and order dated February 27, 2025 speaks of 19 car parking spaces as also the action of the Kolkata Municipal Corporation (KMC) so far as principles of natural justice is concerned in considering and deciding the undated application for conversion.

KMC, vendors of the review applicant as well as some of the flat owners of the building concerned are represented.

Learned senior advocate appearing for some of the owners of the flat in the building submits that, a Special Leave Petition (SLP) was carried against the judgment and order dated February 27, 2025 being Special Leave to Appeal (C) Nos.7361-7362 of 2025. Such SLPs were dismissed as withdrawn on March 21, 2025. He submits that, the order of the learned Single Judge stands implemented.

We disposed of two appeals directed the judgment and order dated January 30, 2024 passed by the learned Single Judge in WPO/2635/1998 by our judgment and order dated February 27, 2025.

A Special Leave Petition was carried against such judgment and order by the vendors of the review applicant being Special Leave to Appeal (C) Nos.7361-7362 of 2025. The review applicants herein were parties to such SLPs. Such SLPs were dismissed as withdrawn on prayer made on behalf of the vendors of the review applicant on March 21, 2025.

It is claimed that, thereafter, the order dated January 30, 2024 passed by the learned Single Judge in WPO/2635/1998 was implemented.

Review applicants before us trace title through their vendors who were the special leave petitioners in Special Leave to Appeal (C) Nos.7361-7362 of 2025.

Be that as it may, the review application is limited to the findings recorded at paragraphs 63 and 67 of the judgment and order dated February 27, 2025.

In paragraph 63 we found that there were 19 car parking spaces which were allowed to be converted by the KMC on March 5, 2001. In paragraph 67, we held that KMC acted in breach of the principles of natural justice while deciding the application for conversion which was allowed by them on March 5, 2001.

There is no material before us to take a different view than that we returned in paragraphs 63 and 67 so far as 19 car parking spaces are concerned and the decision of conversion taken by KMC on March 5, 2001 with regard thereto.

In such circumstances, we find no ground to review our judgment and order dated February 27, 2025.

RVWO/14/2025 along with the connected application are dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)