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ORDER SHEET

WPO/644/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BANDANA DUTTA
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 15th January, 2025

Appearance:
Mr. Pratyush Patwari, Adv.
Mr. Arun Tanti, Adv.
... for the petitioner

Mr. Alak Kr. Ghosh, Adv.
Ms. Piyali Sengupta, Adv.
...for KMC

Mr. Sumanta Biswas, Adv.
Mr. R. Ghosh, Adv.
Mr. Bikash Shaw, Adv.
Sk. S.N. Islam, Adv.
...for Upkar Vinimoy Limited

The Court: A Private Limited Company, namely, Jahar Lall Panna Lall & Co. Private Limited, was granted a license to operate a shop by Kolkata Municipal Corporation. This shop was subsequently relocated to the redeveloped College Street Market (Barna Parichay), located on College Street, Kolkata-700009.

Initially, it was submitted before this Court that the possession of the relevant shop-room should have been handed over to the petitioner, and that

the Corporation had failed to identify the shop-room in question. However, during the course of the hearing, it became apparent that there is no dispute regarding the identification of the shop-room. The Corporation's report has specifically provided the following information concerning the said shop-room.

“Jahar Lall Panna Lall & Co. Ltd

Information at a glance:

	Stall-B(P)-99/104	Stall-C(P)-61-65-64A-64B
Recorded permit holder	Jwaharlall Pannalall & Co. Pvt. Ltd.	Jwaharlall Pannalall & Co. Pvt. Ltd.
Recorded area	1800 sq.ft.	1462 sq.ft.
Monthly Stallage as on Feb '07	Rs.7920.00	Rs.7920.00

The petitioner claims to be a shareholder of the company. However, it is undisputed that the company's name has been struck off the register maintained by the Registrar of Companies, West Bengal, and that proceedings for the revival of the company are currently pending before the National Company Law Tribunal, Kolkata.

Upkar Vinimoy Limited has sought to intervene in this matter, asserting that Jahar Lall Panna Lall & Co. Private Limited has entered into an agreement for the transfer of rights in respect of the said shop in favor of Upkar Vinimoy Limited.

In light of the foregoing, no order can be made in this writ petition. Unless the company is revived, the petitioner, as a shareholder, cannot maintain this writ petition seeking possession of the shop-room in question.

I am also not inclined to adjudicate any potential rights of Upkar Vinimoy Limited with respect to the said premises in this writ petition.

Accordingly, WPO/644/2024 is disposed of.

(KAUSIK CHANDA, J.)

sg.