

OD-11

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

EC/287/2011
IA NO: GA/3/2023, GA/4/2024

MPMC PVT. LTD.
VS
CANARA BANK

BEFORE:

The Hon'ble JUSTICE ANANYA BANDYOPADHYAY

Date : 27TH November, 2025.

Appearance:

Ms. Farhan Ghaffar, Adv.
Ms. S. Bhattacharya, Adv.
Md. Zafar Jihani, Adv.
For the petitioner

Ms. A. Ghosh, Adv.
Mr. S. Ghosh, Adv.
For the judgment debtor

The Court:- The dispute between the parties, lingering for a considerable period of time has culminated into the liability on the part of the Kolkata Municipal Corporation to disburse a sum of Rs. 67,50,000/- in favour of the plaintiff/petitioner vide an order of the Division Bench of this Court dated 7th November, 2025.

The aforesaid order, inter alia, stated as follows:

“15. Be that as it may, since the appellant paid KMC authorities the municipal tax and surcharge in terms of the terms of settlement, we are of the view that, on the date when the order impugned was passed there was no liability on the part of the appellant to the respondent to be discharged and for the executing Court to pass the order impugned. In our

understanding, clause 3 of the terms of settlement although foist the liability of the municipal tax and surcharge on the appellant before us, for the period from April 1, 2009 to March 31, 2010, it does not provide that such payment is to be made by the appellant to the respondent in the first place and that, the respondent can claim reimbursement from the appellant.

16. Again, subsequent to the terms of settlement there is an order passed by the writ Court dated June 30, 2022 in presence of both 2025:CHC-OS:219-DB 6 the parties which permitted the appellant before us to pay municipal tax and surcharge to KMC authorities directly.

17. Appellant before us having paid the KMC the municipal tax and surcharge, we are of the view that interest of justice would be subserved by setting aside the order impugned and permitting the respondent before us to seek reimbursement of the sum of Rs.67,50,000/- from the KMC authorities.

18. APO/106/2024 along with all pending applications are disposed of without any order as to costs.

19. Since we disposed of the appeal, the interim order requiring the appellant to keep a sum of Rs.67,50,000/- in a fixed deposit, stands vacated. Needless to say that the appellant is at liberty to encash the fixed deposit.”

The plaintiff/petitioners in view of the aforesaid directions in the order is to seek disbursement of a sum of Rs. 67,50,000/- from the KMC authorities

placing before the same a copy of the order passed by the Hon'ble Division Bench as well as a copy of the order passed by this Court within seven days of passing of this order through an appropriate communication and the KMC authorities are to comply with the same within four weeks from the date of such communication.

EC/287/2011 along with the applications being GA/3/2023 and GA/4/2024 are disposed of accordingly.

(ANANYA BANDYOPADHYAY, J.)

A Dey