

05.05.2026
Sl No.2
Court No.12
(gc)

**MAT 676 of 2026
CAN 2 of 2026
CAN 3 of 2026**

**Shivsakti Construction, Repn.
By its Partner Raj Kumar Shaw
Vs.
Howrah Municipal Corporation & Ors.**

Mr. Arindam Banerjee, Sr. Adv.,
Mr. Sumitava Chakraborty

...for the Appellant.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

.....for the H.M.C.

Mr. K.K. Chakrabarti,
Mr. Aman Gupta,
Mr. Ishan Bhattacharya

....for the Respondent No.14.

Mr. Subhrangsu Panda,
Ms. Haritri Roy,
Mr. Shantanu Chakraborty

...for the Respondent Nos.7 to 13.

1. CAN 3 of 2026 is an application in the nature of filing of additional evidence. When we were at the verge of dismissing the appeal, *inter alia*, finding that there was nothing wrong and/or perverse in the order impugned before us, and that His Lordship rightly held that demolition of the fourth floor could be carried out in view of the multiple orders that were passed in earlier proceedings. Mr. Arindam Banerjee, learned Senior Advocate for the appellant after extensive arguments, seeks to withdraw the appeal.
2. We allow such withdrawal of the appeal upon payment the cost of Rs.40,000/- for wastage of

court's time and for dragging the respondent No. 14 to court.

3. Such cost shall be paid to the respondent no.14 within a course of this week.
4. We are not expressing any opinion on the pending application before the Corporation.
5. The appeal is dismissed as withdrawn.
6. Accordingly, the connected applications are also dismissed as withdrawn.
7. There shall be no order as to costs.
8. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)