

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

R.V.W. 10 of 2026

Howrah Municipal Corporation & Ors.

Vs.

Calcutta Landing and Shipping Company Limited

in

FMA 1514 of 2024

in

FMA 25 of 2025

in

MAT 2189 of 2024

For the Applicant

: Mr. Sandipan Banerjee
Mr. Ankit Sureka

For the Respondent

: Mr. Debabrata Saha Roy, Sr. Adv.,
Mr. Pingal Bhattacharyya
Mr. Neil Basu
Mr. S. Biswas
Ms. Oindrilla Sarkar
Mr. Avidipta Paul

Hearing concluded on

: June 15, 2026

Judgment on

: June 15, 2026

Debangsu Basak, J.:-

1. Review of the judgment and order dated January 8, 2025 is sought for at the behest of the Howrah Municipal Corporation.

2. There is a delay of 320 days in preferring the memorandum of review. Memorandum of review was registered on January 19, 2026. Till date, review applicant did not file any application under Section 5 of the Limitation Act of 1963 for condonation of delay.
3. Nevertheless, we took up the issue of the review on merits itself.
4. We find from the records that initially a sanction of building plan was obtained by Calcutta Land And Shipping Company Limited in respect of an immovable property lying within the jurisdiction of the review applicant. Several litigations ensued in respect of the property on which the sanction for building plan was granted. Suits were filed. Due to the pendency of such suits and the interim orders passed therein, Calcutta Land And Shipping Company Limited could not construct in accordance with the sanctioned building plan. With such litigation, coming to an end, Calcutta Land And Shipping Company Limited applied for renewal of the expired sanctioned building plan with the Howrah Municipal Corporation Authority.
5. Two writ petitions were filed assailing the construction sought to be made by the Calcutta Land And Shipping Company

- Limited. Both the writ petitions were disposed of by a common judgment dated October 8, 2024. Learned Single Judge allowed the Calcutta Land And Shipping Company Limited to obtain renewal of the lapsed building plan.
6. Review applicant before us did not prefer any appeal against the judgment and order dated October 8, 2024.
 7. Three appeals were filed. All the appeals were heard and disposed of by the common judgment and order dated January 8, 2025, review of which is sought for herein. Review applicant was heard while disposing of the appeal.
 8. Contempt petition was filed by Calcutta Land And Shipping Company Limited for violation of the order dated January 8, 2024 passed by the learned Single Judge. In the contempt petition, the review applicant filed an affidavit stating that it will implement the order dated October 8, 2024 passed in the two writ petitions.
 9. Learned advocate appearing for the review applicant relies upon **AIR 2023 Cal 12 (Kolkata Municipal Corporation and Others vs. Adya Residency (P) Limited and M/s. Rajveer Infrastructure Reality Pvt. Ltd. & Others)** in support of the contention that a sanctioned building plan cannot be renewed after a lapse of ten years.

10. In **Adya Residency** (supra), the Coordinate Bench considered the various provisions of the Kolkata Municipal Corporation Act, 1980 and the rules framed thereunder and arrived at a finding that the lapsed sanctioned building plan cannot be renewed ten year subsequent to the grant of the sanction and, therefore, proceeded to grant relief to the person possessing the sanctioned building plan noting that in the peculiar facts and circumstances of that case, such person was entitled to such relief.
11. In the facts and circumstances of the present case, we find that Calcutta Land And Shipping Company Limited was prevented by orders passed by the Court from time to time from constructing in terms of the sanctioned building plan. Due to the pendency of such proceedings and the orders, the sanctioned building plan lapsed.
12. It is trite law that actions of the Court should not prejudice any parties to the proceeding. The subsistence of the interim order in the suit should not cause prejudice to Calcutta Land And Shipping Company Limited. Failure to construct in accordance with the sanctioned building plan cannot be attributed to the Calcutta Land And Shipping Company Limited. On the contrary, Calcutta Land and Shipping Company Limited was

prevented by the orders of Court from constructing in accordance with the sanctioned building plan.

13. In such circumstances, we find no merit in the contentions of the review applicant.

14. Since the delay remains unexplained, we are not in a position to condone the delay in filing the review application.

15. **R.V.W. 10 of 2026** is, therefore **dismissed** without any order as to costs.

(Debangsu Basak, J.)

16. I agree

S.D.

(Md. Shabbar Rashidi, J.)