

Appellant Vs. Respondent

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Court : Kolkata

Decided On : May-04-2012

Judge : Soumitra Pal

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET W.P.No.25 of 2006 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE GHULAM MOHIUDDIN CHOUDHURY & ORS.Plaintiff/Petitioner Versus THE K.M.C.& ORS Defendant/Respondent BEFORE: The Hon'ble JUSTICE SOUMITRA PAL Date :

4. h May, 2012.

For Plaintiff/Petitioner : MR.S.S.BOSE,ADVOCATE
MR.S.BANERJEE,ADVOCATE.

For Defendant/Respondent : MR.BARIN BANERJEE,ADVOCATE
MR.F.HAQUE,ADVOCATE The Court : It is submitted by the learned advocate for the petitioner that pursuant to the order dated 10th April, 2012 bills from 1st Quarter 2006 till 10th April,2012 and also bills prior to 1st Quarter 2006 have been furnished.

It is submitted that there are obvious mistakes, as evident from the copies of the bills, as according to him there are mistakes in number of quarters and rebate of 5% has not been granted.

On a query it has been submitted that no payment of municipal dues has been made after 2006.

Mr. Banerjee, learned advocate for the Kolkata Municipal Corporation submits that since the dues are approximately to the tune of Rs.2 crores 22 lakhs under the Waiver Scheme, 2012 and as no payment has been made by the petitioner after 2006 and since the Corporation in order to maintain essential services requires fund, since bills have been furnished, the petitioner may be directed to deposit the amount.

Having heard the learned advocates for the parties, since the petitioners have not deposited taxes and/or municipal charges after 2006, they are directed to deposit a sum of Rs.50 lakhs within 29th June, 2012 in the following manner : The petitioner is directed to deposit a sum of Rs.15 lakhs with the Kolkata Municipal Corporation within 18th May, 2012.

A further sum of Rs.15 lakhs shall be deposited by 1st June, 2012 and the balance sum of Rs.20 lakhs shall be deposited by 29th June, 2012.

After the petitioner deposits a sum of RS.15 lakhs by 18th May, 2012, since it has been submitted that there are obvious mistakes and the rebates have not been granted, the Chief Manager (Revenue).the Kolkata Municipal Corporation, shall dispose of the matter by passing a reasoned order regarding the dispute, if any, in the bills by passing a reasoned order within a fortnight which is to be presented in Court in a sealed cover after giving an opportunity of hearing to the petitioner.

It is made clear that the petitioner shall go on paying the instalments, as directed, failing which the authorities of the Kolkata Municipal Corporation are at liberty to take coercive action including turning off water supply.

Liberty to mention upon notice.

All parties concerned are to act on a signed photo copy of this order on the usual undertakings.

(SOUMITRA PAL, J.) ssaha AR(CR)

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