

Poddar Projects Ltd. Vs. Cesc Ltd.

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Court : Kolkata

Decided On : Feb-20-2014

Judge : Biswanath Somadder

Appellant : Poddar Projects Ltd.

Respondent : Cesc Ltd.

Judgement :

ORDER

SHEET GA NO.372 OF 2014 WITH CS NO.185 OF 1997 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE PODDAR PROJECTS LTD.Versus CESC LTD. BEFORE: The Hon'ble JUSTICE BISWANATH SOMADDER Date : 20th February, 2014.

Mr.A.Chakrabortyappears.Mr.A.Mitra, Mr.A.Roy, Mr.S.N.Pyneappear.

Ms.C.Bhattacharyyaappears.The Court : In terms of the order dated 11th February, 2014 the Director General, West Bengal Fire & Emergency Services conducted an inspection of the portion of the premises, which is under occupation of the CESC LTD.and has filed a report in a sealed cover, which may be opened and kept on record.

Let a copy of the said report be circulated amongst the parties.

The report clearly states that there is a gross violation of fire and life safety measures in respect of the entire building in question.

So far as the Courts specific query, as contained in the order dated 11th February, 2014 is concerned, the Director General has placed reliance on sub-section [1].of Section 11[C].of the West Bengal Fire Services Act, 1950.

However, it is noticed that in spite of placing reliance on the said provision of law, the Director General, West Bengal Fire & Emergency Services has not been able to state in the report as to why no notice has been given to the occupier/occupiers of the building, as required in law.

As such, on the next returnable date, the Director General, West Bengal Fire & Emergency Services shall file another report giving his/her response to this specific observation, as made hereinabove.

Since the matter is required to be heard on affidavits, the respondents may file such affidavit within a fortnight; reply thereto, if any, within a week thereafter.

Matter to appear under the heading Adjourned Motion three weeks hence.

All parties are to act on an urgent certified photocopy of this order on the usual undertakings.

(BISWANATH SOMADDER, J.) pkd.

A.R.[C.R.].

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