

20.09.2022
Item No.7
Court No.6.
S. De

**F.M.A. 657 of 2022
with
I A CAN 1 of 2022**

**Swapan Kumar Ghosh.
Vs
The Kolkata Municipal Corporation & Others**

Mr. Alok Kr. Ghosh,
Mr. Purnendu Das,
Mr. K.K. Basu, ...for the Appellant.

Mr. Biswajit Mukherjee,
Mr. Swapan Kr. Debnath, ...for the K.M.C.

This appeal is directed against a judgment and order dated March 8, 2022 whereby the appellant's writ petition being W.P.A. 1139 of 2016 was disposed of.

Having heard Mr. Ghosh, learned senior counsel for the appellant and Mr. Mukherjee representing the Kolkata Municipal Corporation, we are of the view that instead of having multiple hearings we should dispose of the appeal itself.

Let requisite number of informal paper books be filed by the appellant within two weeks after the ensuing Puja Vacation, incorporating therein all papers that were available before the learned Single Judge. All formalities are dispensed with. Since the Corporation is represented and is the only party, notice of appeal is deemed to have been waived. The appeal shall be treated as ready for hearing upon the paper books being filed.

Mr. Mukherjee, learned advocate representing the K.M.C. fairly submits that since we propose to hear out the

appeal at an early date, no steps will be taken on the basis of the order impugned herein.

The appellant says that the order of the Hearing Officer has not been communicated to him. Hence, he is not obliged to make payment of the current taxes in terms of such order. We clarify that until such time that the order of the Hearing Officer is communicated to the appellant, he shall go on paying current property taxes at the earlier rate subject to raising of bills. However, once the Hearing Officer's order is communicated to him, he will pay property taxes in accordance with such order without prejudice to its rights and contentions and subject to the result of this appeal.

The stay application being I.A. No. CAN 1 of 2022 is disposed of.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)