

OCD-1, 2 & 3

IN THE HIGH COURT AT CALCUTTA
(COMMERCIAL DIVISION)
ORIGINAL SIDE

IA NO.GA-COM 1 OF 2024
IN
CS-COM 1 OF 2024
KONSORTIA PROJECT PRIVATE LIMITED
VS
MOHIT LAL SEAL AND OTHERS

IA NO.GA-COM 2 OF 2024
IN
CS-COM 1 OF 2024
KONSORTIA PROJECT PRIVATE LIMITED
VS
MOHIT LAL SEAL AND OTHERS

IA NO.GA-COM 7 OF 2024
IN
CS-COM 1 OF 2024
KONSORTIA PROJECT PRIVATE LIMITED
VS
MOHIT LAL SEAL AND OTHERS

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date : 22nd April, 2026

Appearance:
Mr. Krishnaraj Thaker, Sr. Adv.
Mr. Chayan Gupta, Adv.
Mr. Rittick Chowdhury, Adv.
Mr. Dwip Raj Basu, Adv.
For the plaintiff

Mr. Debnath Ghosh, Sr. Adv.
Mr. Deep Narayan Mukherjee, Adv.
Mr. Sudarshan Roy, Adv.
For defendant nos. 1 to 9

Mr. Rahul Karmakar, Adv.
Mr. S. K. Poddar, Adv.

For defendant nos.10 & 11.

Mr. Shounak Mukhopadhyay, Adv.

Mr. Kallol Saha, Adv.

Mr. Akash Ghosh, Adv.

For defendant no.12.

The Court : The order passed by the Division Bench on 8th April, 2026 by which the appeal preferred by the defendant no.12 challenging the order dated 10th March, 2026 was dismissed has been placed before the Court and is retained with the records. The report filed by the Director General (Building), Kolkata Municipal Corporation (in short 'KMC') dated 6th April, 2026 in a sealed envelope has been also placed before the Court. The envelope is opened and the report is taken on record. The report comprises of three pages. There are certain other documents along with the report. One of such documents contain the orders passed by the learned Special Officer (Building), KMC in demolition case no.08-D/VI/24-25. There are three building plans along with the report. One of which is marked as Rough Sketch Plan, the other is the Fire Plan and the third one is the certified copy of the building plan bearing Building Sanction No.084 dated 13th October, 1961. There are also five photographs. These documents along with the photographs are also taken on record.

On a perusal of the report it reveals that there is "no objection" certificate issued by the fire department for operating the building in its present mode. The report also reveals that the area of the ground, first, second and the proposed third floor as per the 1961 plan are as follows :

"1. Ground Floor having area is 1011.00 sq.m (approx) and height of floor 4.572 mtr, was used as auditorium.

2. First Floor having area 740.31 sq.m (approx) and height of floor 3.429

mtr, was used as auditorium.

3. Second Floor having area 382.1 sq.m (approx) and height of floor 3.429 mtr, was used as foyer.

4. Proposed third floor having area 381.1 sq.m (approx) and proposed height of floor 3.5814 mtr, was sanctioned for office purpose.”

It also appears from the report that at the present the ground floor is being used as garment shop, which however, appears from the photographs to be closed at the present. The first floor is totally vacant and second floor is being used as office for the use of the concerned party of the said premises.

It appears from the report also that there is change in user from the use for which the original plan dated 13th October, 1961 was sanctioned.

As recorded above the ground floor is used as a garment shop. Primelink Trade Com LLP on 12th April, 2024 had applied for allowing the change of use of the cinema hall which is now used as a readymade garment shop. The Special Officer (Building) has heard the matter and has arrived at a conclusion that there is a change of use. The photographs reveal that some new brick work has been made at the said premises but the report does not specify the place of the same. In the report it has been also stated that the concerned Assessor of KMC has been approached by the Director General (Building) for the arrears of property tax and other details as indicated in the order dated 10th March, 2026 but the same as on the date of the report (06.04.2026) had not been made available to the Director General (Building).

Let a copy of the report only for the time being be circulated amongst the parties to enable the learned Advocates representing the respective parties to take necessary instructions. The copy of the report will be available to the parties

from the office of the learned Registrar, Original Side of this Court.

Let these matters appear in the monthly list of June, 2026.

In the meantime, the Director General (Building), KMC is directed to file a further report informing the details of the property tax and the portion of the building wherein new brick work as appears from the photographs to have been made. The report shall be filed by 22nd May, 2026 with the Registrar, Original Side so that it can be placed before the Court on the returnable date.

The parties are directed to communicate this order to the Director General (Building), KMC. The Registry is also directed to communicate this order to the Director General (Building), KMC.

(ARINDAM MUKHERJEE, J.)