

OC-4, 5 & 6

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 : 8th June, 2026

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

Mr. Debnath Ghosh, Sr. Adv.
Mr. Sudarshan Roy, Adv.
Mr. Debayan Ghosh, Adv.
Mr. Deep Narayan Mukherjee, 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 : Perused the note filed by the Registrar, Original Side dated 20th May, 2026.

The report filed before the said Registrar in a sealed envelope has been placed before the Court. The same is opened. The report filed by the Assessor Collector (North), the Kolkata Municipal Corporation (in short 'KMC') is taken on record.

The report comprises of three parts but two of them are dated 6th April, 2026 while the other is dated 16th May, 2026. On a perusal of the first part it appears that certain payments are due from 2nd Quarter, 1997 to 3rd Quarter, 2024. That apart payments for four quarters of 2026 are also outstanding. The principal sum unpaid against demand details as per the report for the four quarters of 2026-2027 is Rs.1,01,048/-. The total outstanding amount as per the report is Rs.20,09,024/- per quarter. The recorded owner is B Manoharlal Seal. The mailing address is 39 Bentinck Street C/O Bengal Properties Ltd 39 Bentinck St Calcutta 1. The person liable as per the report is Primelink Tradecom LLP. It further appears from a report dated 16th May, 2026 that the nature of use of the premises no.39, Bentinck Street is "Theatre Paradise Cinema". The demand notices as per the said report have been issued to the owner B Manoharlal Seal. For the 1st Quarter property tax for 2026 as per the report is Rs.26592/-. For the 2nd Quarter of 2026 the property tax as per the report is also Rs.26592/-. The unpaid demand details as per the report for the four quarters of

2026 is Rs.25262/- per quarter. The report also says that the new brick work as reported in the previous report has been constructed at the southern side of the ground floor having a length of 5.5 meters and height of 3.8 meters closing the staircase for going upstairs leaving only a space of 0.95 meter X 1.7 meter as the opening. The brick wall as per the report also causes obstruction to the ingress and egress to the stair as only a single person can pass through the opening at a time which may create problem, if any untoward incident happens. Let a copy of the report be circulated amongst the parties.

On behalf of the defendant nos.1 to 9 it is submitted that two agreements which are sought to be enforced by the plaintiff speaks of use of an immovable property for both residential and commercial purpose. Since it is for mix usage, according to the said defendants, the suit cannot be framed, filed and maintained as a commercial suit.

Let these matters be adjourned till 25th June, 2026 to enable the parties to take necessary instructions.

On the returnable date the parties will advance arguments relating to the nature and framework of the suit. It will be also open to the parties to take exception to the report, if so advised on or before the returnable date.

(ARINDAM MUKHERJEE, J.)