

WPO No.1856 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ADITYA BIRLA FASHION AND RETAIL LIMITED
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 20th December, 2023.

Appearance:
Mr. Biswaroop Bhattacharya, Adv.
Mr. Soumava Mukherjee, Adv.
Mr. Subhankar Chatterjee, Adv.
...for Petitioner.

Mr. Biswajit Mukherjee, Adv.
Mr. Swapan Kumar Debnath, Adv.
...for KMC.

The Court:- The petitioner is aggrieved by the levy of charges beyond the provision of Section 333 of the Kolkata Municipal Corporation Act, 1980 at the time of renewal of the certificate of enlistment. According to the petitioner, the said charges are not payable at the time of renewal of the certificate of enlistment.

Learned advocate representing the Corporation relies upon the Circular of the Corporation and the orders passed by the National Green Tribunal in support of its submission that the charges for Solid Waste Management is leviable at the time of obtaining the certificate of enlistment or at the time of renewal of the same.

The issue whether the charges are leviable or not has to be decided by the Court.

It will be open for the petitioner to pay charges without prejudice to its rights and contentions subject to the result of the writ petition.

The Corporation is directed to file affidavit-in-opposition within a fortnight after the reopening of the Court after the ensuing Christmas vacation. Reply, if any, may be filed a week thereafter.

Let the matter appear in the list once again on 24.01.2024.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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