

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

I.A.NO.2/2008

in

CIVIL APPEAL NO.6121 OF 2008

BENGAL PROPERTIES PVT. LTD.

Appellant (s)

VERSUS

CALCUTTA MUNICIPAL CORPN. & ORS.

Respondent(s)

[For rectification/modification of Court's order and  
with office report]

Date: 13/04/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Appellant(s) Mr. Rana Mukherji, Adv.

Mr. P.K. Podar, Adv.

Mr. Devendra Singh, Adv.

For Respondent(s)

Mr. Tapash Ray, Sr. Adv.

Mr. L.C. Agrawala, Adv.

Mr. Bhaskar P. Gupta, Sr. Adv.

Mr. Pijush K. Roy, Adv.

Mr. Sayantan Basu, Adv.

Mr. G. Ramakrishna Prasad, Adv.

UPON hearing counsel the Court made the following  
ORDER

I.A.No.2 is disposed of in terms of the signed order.

(Subhash Chander)  
A.R.-cum-P.S.

(Pushap Lata Bhardwaj)  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NO.2

IN

CIVIL APPEAL NO.6121 OF 2008

Bengal Properties Pvt. Ltd.

.....Appellant

Versus

Calcutta Municipal Corpn. & Ors.

.....Respondents

ORDER

Having heard the learned counsel for the parties and keeping in

view the fact that the question which arises is with regard to the amount of taxes deposited by the applicant vis-a-vis the adjustments made by the Calcutta Municipal Corporation, we are of the opinion that the Municipal Tribunal may go into the said question.

Ordered accordingly.

While doing so, all the amounts deposited by the applicant and kept in the Suspense Account shall also be taken into account. In the event, it is found that the applicant has paid/deposited all its dues, the appeal shall be heard on merit and in the event, it is found that some amount of tax is still due, the applicant may comply with the statutory requirement for hearing of the appeal without prejudice to its rights and contentions.

So far as prayer (ii) is concerned, as the same would depend upon the order passed by the Tribunal, as directed by us, the Tribunal may consider the said matter and pass appropriate order.

I.A.No.2 in C.A.No.6121/08 .... (contd.)

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We make it clear that so far as prayer (i) made in the application vis-a-vis the order of the learned Single Judge dated 12th March 2004 passed in Writ Petition No.107 of 2004 is concerned, the said order makes it abundantly clear that the order of attachment would revive in the event the petitioners' failure to comply with the deposit of monthly rent and not otherwise.

This would indisputably be subject to the decision of the Tribunal as to whether the applicant has complied with the said order or not.

I.A.No.2 stands disposed of accordingly.

Sd/-

.....J.  
[S.B. SINHA]

Sd/-

.....J.  
[DR. MUKUNDAKAM]

SHARMA]  
New Delhi.  
April 13, 2009.