

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GA No. 3068 of 2018
WP No. 533 of 2017
VIJAI SHREE PRIVATE LIMITED
VERSUS
BOARD OF TRUSTEES OF THE PORT OF KOLKATA & ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date : 6th March, 2019

Appearance:
Mr. Utpal Majumder, Adv.
Mr. Pushan Kar, Adv.
Mr. Aniruddha Sinha, Adv.
For the petitioner.

Mr. Nilay Sengupta, Adv.
For the respondents.

In Re: GA No. 3068 of 2018

The Court :- This is an application made by the writ petitioner for permission to construct and/or reconstruct the dilapidated structures. The application is disposed of by taking up the writ petition for final hearing.

GA No. 3068 of 2018 is disposed of accordingly.

In Re: WP No. 533 of 2017

WP No. 533 of 2017 is taken up for final hearing.

Learned Advocate appearing for the petitioner submits that, initially in 2004, after negotiations, Kolkata Port Trust (KoPT) authorities agreed to grant 99 years lease in respect of four plots. The tenure lease was subsequently reduced to thirty years. He submits that, the petitioner and KoPT authorities agreed that,

the petitioner will have lease for thirty years in respect of the plot of land in question on the terms and conditions as contained in the letter dated June 15, 2015 written by the petitioner to the KoPT authorities.

Learned Advocate appearing for the KoPT authorities submits that, the lease should be on the basis of the terms and conditions contained in the writing dated June 15, 2015. Moreover, he draws the attention of the Court to paragraph 2(d) of the letter dated June 15, 2015 and submits that, the petitioner agreed to participate in the tender-cum-auction process with the right of first refusal. Therefore, KoPT should be permitted to proceed with the auction process, if not already initiated.

It appears that, the parties agreed that, the first petitioner will have a long term lease with effect from January 1, 2016 for a period of thirty years in terms of the writing dated June 15, 2015 of the first petitioner.

The Court is informed that, pursuant to the interim order dated September 13, 2017 the petitioner made payment to the KoPT authorities. KoPT authorities are raising the bills month by month upon the petitioner and that, the petitioner is paying the same.

In such circumstances, WP No. 533 of 2017 is disposed of by directing the parties to enter into a suitable registered deed of lease containing the terms and conditions as enumerated in the writing dated June 15, 2015 of the first petitioner.

It is clarified that, KoPT authorities are at liberty to undertake tender-cum-auction process where the petitioner will have right the first refusal as contained in a writing date June 15, 2015.

It is expected that, the deed of lease is executed within a period of four weeks from date.

WP No. 533 of 2017 is disposed of. No order as to costs.

(DEBANGSU BASAK, J.)