

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 27856/2025

[Arising out of impugned final judgment and order dated 07-07-2025 in MAT No. 629/2025 passed by the High Court at Kolkata]

SANKAR LAL SINGH

Petitioner(s)

VERSUS

KOLKATA MUNICIPAL CORPORATION & ORS.

Respondent(s)

IA No. 256804/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 27-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Kausik Chatterjee, Adv.
Mr. Soumya Dutta, AOR
Ms. Samriddhi, Adv.
Mr. Siddhant Upmanyu, Adv.
Ms. Nisstha Balodia, Adv.

For Respondent(s) :Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Varij Nayan Mishra, Adv.

Ms. Nandini Sen Mukherjee, AOR
Mr. Shambo Nandy , AOR

Ms. Sanjana Saddy, Adv.
Mr. Aman Chaudhary, Adv.
Ms. Hema Bhardwaj, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. In pursuance of our order dated 13th October 2025, the Kolkata Municipal Corporation has filed an affidavit duly affirmed by an Assistant Engineer (Civil) Building Department Borough-IV 4 stating as under:

" K. It is stated that the subject premises, namely Premises No. 258, Vivekananda Road, Ward No. 028, Borough IV, Kolkata-700006, was granted building permission under Section 393A of the Kolkata Municipal Corporation Act, 1980 by the competent authority, upon thorough scrutiny of the submitted drawings, designs, structural documents and other statutory requirements. There has been no fraudulent permission obtained by the applicant/developer nor any improper relaxation or deviation allowed by KMC in the matter of sanction.

L. It is stated that the average road width of access at the location of the subject premises is 30.48 meters (100 feet), as recorded by the KMC Survey Department and reflected in the sanctioned building plans and key plan forming part of the approval record. The width satisfies all mandatory requirements under the prevailing KMC Building Rules. The said sanctioned plan also clearly delineates the road alignment, the surrounding structures and the existing right-of-way.

M. It is stated that the Total Floor Area Ratio (FAR) sanctioned in respect of the subject project is 2.566, which is within the permissible threshold prescribed for this category and zone as total width of service road is 6.5 m and total road width including service road and Bagmari Bridge is 30.48m. The total height of the building and structural configuration are strictly within the limits allowed under applicable Kolkata Municipal Building Rules, 2009 and no part of the construction violates the sanctioned granted by the Corporation.

N. It is further submitted that field- level inspections have been carried out repeatedly by KMC Officers including when petition was pending in High Court and report have been submitted accordingly. Complaints alleging violations were examined but were found to be factually incorrect.

O. Further, regarding the allegation that the construction may adversely affect the structural integrity or safety of Bagmari Bridge and its approaches, it is most respectfully submitted that a comprehensive pressure-bulb assessment for the proposed building (B+G+VI) has been independently conducted by the Kolkata Metropolitan Development Authority (KMDA), Roads & Bridges Sector. Upon detailed analysis the

Department has conclusively opined that the pressure exerted from the proposed structure upon the bridge approach walls will be negligible and no harmful effects on the integrity or safety of the bridge approaches will arise due to the pressure coming from the proposed building.

Q. It is stated that the construction of the commercial complex at the subject premises is strictly in accordance with the sanctioned building plan, the KMC Act, 1980 and the KMC Building Rules, 2009 and that the Corporation is strict supervising over the construction to ensure that no future violation or departure from the approved plan occurs."

2. We take notice of the fact that the respondent No. 8, has also filed an affidavit in this regard stating as under:

" It is further stated that KMDA conducted a thorough analysis of the pressure bulb for the proposed building(B+G+VI) and had also prepared a report dated 13.12.2024 (by EE/KCD/R & B/KMDA and AE/KCD/R &B/KMDA). The results of the said analysis indicated that pressure exerted from the proposed building to the bridge's approach wall were to be negligible. This analysis confirms that there is least possibility of harmful effect on the integrity or safety of the bridge- approach area' from pressure arising from the proposed building. True copies of the reports dated 23.07.2024 and 13.12.2024 are annexed herewith as Annexures R- 1 and R-2 respectively."

3. Learned counsel appearing for the petitioner would submit that recently the State Government has taken a policy decision to stop the construction of all G+5 buildings in the city of Kolkata. According to him, the Authorities have been directed to undertake the necessary survey/audit/inspection of all such buildings and only after due approval, the construction would be permitted to be proceeded further.

4. We do not say anything as regards the aforesaid. If any policy

decision has been taken, the Authorities will have to abide by it. Nothing further is required to be adjudicated in view of the specific stance of the KMC & KMD respectively.

5. We dispose of this Special Leave Petition accordingly.

6. If the petitioner has any other grievance to redress, it shall be open for him to approach the Competent Authority or any other appropriate forum in accordance with law.

7. Pending application(s), if any, shall also stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)