

28.09.2026
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Sl. No. 07
Ct. No. 03

WPA 27835 of 2026

Nvent Realty Pvt. Ltd. & anr.

Vs.

The Kolkata Municipal Corporation & ors.

Mr. Biswaroop Bhattacharya

Mr. Khalid Ali

Mr. A. Mondal

.... for the petitioners

Mr. Piush Chaturvedi, Sr. Adv.

Mr. S. N. Dutta

..... for the State

Mr. Biswajit Mukherjee

Ms. Gulknaz Quraishi

..... for the KMC

1. The affidavit-of-service filed in Court today is taken on record.
2. Challenging the order dated 31st August, 2026 passed by the Municipal Commissioner, KMC whereby the petitioners' trade license for running business of Hotel Emirates from premises no. 11/1 Dr. Md. Ishaque Road, New Market, Kolkata 700060, Ward No. 63 (in short, the "said premises") has been suspended, and a direction for closure of the business has been issued, the instant writ petition has been filed.
3. The petitioners' case proceeds on the premise that the petitioners have been running a hotel and a fooding business from the aforesaid premises. According to the petitioners, the hotel business is run under the name and style of M/s Hotel Emirates and certificate of enlistment has been issued in favour of the petitioners which was valid

and subsisting as on the date when the order impugned was issued. According to the learned advocate for the petitioners, the petitioners have all requisite licences for running the aforesaid business.

4. It is still further submitted that the reasons behind the suspension of the petitioners' certificate of enlistment is carrying on the business of guest house/hotel/assembly house in violation of Section 416 of the KMC Act, 1980 (hereinafter referred to as the said Act). According to him, the above order was not preceded by a show-cause, as such the same is bad in law and cannot be sustained.
5. Mr. Mukherjee, learned advocate represents the KMC and is ably assisted by Ms. Gulnaz Quraishi, learned advocate, while Mr. Chaturvedi, learned senior advocate appears for the State.
6. According to Mr. Mukherjee, the order dated 31st August, 2026 was not issued without any enquiry. He would submit that in the instant case, an inspection was carried out by the Joutha Team in terms of the office order No. 33/2026-27 dated 19th August, 2026. He still further submits that the inspection carried out by the Joutha Team on 31st August, 2026 reveals that the petitioners had been carrying on business from the building in question without any permission from the municipal authorities. The petitioners also could not disclose the sanctioned building plan at the time of inspection. A copy of the report counter-signed by

the Executive Engineer (C) Building, Borough VII, KMC as placed before this Court by Mr. Mukherjee which has also been circulated to the contesting parties, is taken on record.

7. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, I find that in the instant case, the impugned order contemplates that the petitioners have been carrying on business from the said premises in violation of Section 416 of the said Act as no appropriate permission has been obtained. The order further proceeds on the premise that the petitioners have also not been able to produce any sanctioned building plan at the time of inspection. It would further transpire from the aforesaid order that the petitioners' building was also found to be operating without a valid certificate of enlistment which prompted the authorities to issue a closure notice with immediate effect. In this context, I find that the petitioners have disclosed that they hold a valid certificate of enlistment which has been issued for carrying out business of boarding house with food without bar. Such license is valid till 31st March, 2027.
8. Having regard to the aforesaid, I am of the view, the business premises could not have been shut down on the ground of non-renewal of certificate of enlistment under Section 199 of the said Act.

9. Be that as it may, since the respondents allege non-compliance of Section 416 of the said Act, the respondents ought to have given reasonable opportunity of hearing to the petitioners to show-cause why such order shall not be made, having regard to the provisions contained in Section 416(5) proviso of the said Act, the same has not been done.

10. Though, Mr. Chaturvedi, learned senior advocate appearing for the State would submit that there is no valid police license, I find that there is no indication in the above order as regards the violation or failure to obtaining police licenses. There is no show-cause in this regard. This apart, though the inspection was said to be carried out, the report of the Joutha Team has not been disclosed to the petitioners at any prior point of time. The order dated 31st August, 2026 appears to have been issued in colourable exercise of power. The order is violative of principles of natural justice and fair play.

11. In the peculiar facts, I am of the view that the order suspending the petitioners' certificate of enlistment, and the notice captioned as closure of petitioners' business which directs complete closure of business cannot be sustained, the same is set aside as having been issued in colourable exercise of power, leaving it open to appropriate authorities to proceed in accordance with law.

12. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)