

**THE KOLKATA MUNICIPAL CORPORATION**  
**Office of the Municipal Commissioner**  
**Central Municipal Office Buildings**  
**5, S. N. Banerjee Road,**  
**Kolkata- 700 013.**

Date : 22<sup>nd</sup> day of July, 2022

**Municipal Commissioner's Circular No. 22 ..... of 2022-23**

At times, a department of KMC has to incur expenditure for public health & safety due to inaction / non performance of civic duty by a private person. There are specific provisions in the KMC Act for realization of such cost incurred by KMC. Unfortunately, there have been instances of laxity in realizing/recovery of these costs. This is to reiterate that it would be the responsibility of concerned officer of the relevant department to take steps in accordance with law to realise/recover due cost promptly any inaction/lapse on this would be viewed seriously and causing financial loss to K.M.C.

Law Department be listed few illustrative cases, which are given below for ready reference.

**Building Department :**

The Borough Executive Engineer of the Building Department while compliance of the demolition order have not take appropriate measures for realization of the cost involved in the process of demolishing of the unauthorized and/or illegal construction in respective premises.

That it is well settled law as per section 400(7) of the Kolkata Municipal Corporation Act, 1980 which read as follows :-

“Where no appeal has been preferred against an order made by the Municipal Commissioner under sub-section (1) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the Municipal Building Tribunal on appeal, and on the failure of such person to comply with the order within such period, the Municipal Commissioner may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act.”

