

7th July,
2022
(AK)
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CPAN 477 of 2022
In
C.O. 2301 of 2019

Anil Kumar Poddar
Vs.
Partha Acharya, WBCS (Executive)

Mr. Ashim Kr. Roy
...for the petitioner.

Mr. Sudipto Panda
Mr. Subrata Ghosh
...for the alleged contemnor.

Learned counsel appearing for the petitioner places reliance on a Division Bench Judgment reported at (2014) 2 CHN 237 (*Govind Prasad Kothary vs. State of West Bengal*) and submits that the Division Bench, in paragraph no.29 of the judgment, observed that the Civil Procedure Code, in its entirety, is not applicable in a proceeding for fixation for fair rent under Section 17 of the West Bengal Premises Tenancy Act, 1997 and the procedure governing civil suit and/or proceeding before the Civil Court as provided in the Civil Procedure Code cannot be applied in a proceeding of the said nature before the Rent Controller.

As such, it was held, the requirement of proof of the petitioner's claim by evidence, as argued by learned counsel therein, was not accepted by the Division Bench, particularly when the rules framed under the said Act do

not provide for such a proceeding to be decided by trial on evidence.

It is submitted that, in the instant case, an amendment application has in the meantime been disposed of by the Rent Controller.

However, the main matter is yet to be decided and has been fixed next on July 26, 2022.

Learned counsel appearing for the alleged contemnor submits that the petitioner has also been seeking adjournments on certain occasions, as such being instrumental in the process of delaying the matter.

Hence, to give a further chance to the Rent Controller to dispose of the matter, keeping in view the heavy roster of the Controller, the Controller is directed to dispose of the main matter under Section 17 of the 1997 Act, within the extended date of August 31, 2022 positively upon taking up the matter for hearing on the next date fixed, that is, July 26, 2022.

It is made clear that for the purpose of complying with such direction, the Rent Controller shall be free to refuse any adjournment to either of the parties.

The report filed by learned counsel for the alleged contemnor be kept on record.

The contempt application shall next be returnable on September 1, 2022.

(Sabyasachi Bhattacharyya, J.)