

10.08.2023
Court No. 19
Item No.07
CP

C.O. 650 of 2021
With
CAN 1 of 2023
The West Bengal Housing Board
Vs.
Sri Sukhendu Das & ors.

Mr. Tapan Coomer Dey
Mr. Asutosh Mukherjee
Ms. Shreya Chatterjee

...for the petitioner.

Mr. Supratik Basu
Ms. S. Chhari

....for the opposite party no. 1.

Mr. Jayabrata Mukherjee

...for the opposite party nos. 2 & 3.

This court is of the view that the matter has been dragged before this court for too long, which has caused hardship to the award holder. The award for repair of a flat in a cooperative housing society was passed by the competent authority, against the West Bengal Housing Board.

The West Bengal Housing Board was directed to carry out the repair works. The housing board challenged the said award before the learned Chairman, West Bengal Co-operative Tribunal vide Appeal Case No. UR/2/2014. The award holder put the award into execution. The award debtor/housing

board filed an application for stay of the execution proceeding. The learned executing court directed that the execution would not be stayed unless the tribunal had passes a specific order to that effect.

Aggrieved, the petitioner filed a revisional application. The revisional application was admitted and limited stay was granted on the ground that as the cooperative tribunal was not functioning on account of an order of stay passed by the High Court in another proceeding, it would not be possible for the petitioner to obtain a stay.

It is submitted that the stay order has been vacated. Thus, this court is of the view that justice would be subserved if the revisional application is disposed of with a direction upon the learned tribunal to dispose of the appeal, in accordance with law, within March 31, 2024. It is expected that the Tribunal will start functioning with full strength by the next date.

The execution shall remain stayed till March 31, 2024 or until further orders of the learned Tribunal in the pending appeal, whichever is earlier.

However, if the appeal is not disposed of as directed hereinabove, the opposite party no. 1, award holder, shall be at liberty to approach the learned executing court for execution of the award.

The revisional application is accordingly disposed of.

With the disposal of the revisional application, CAN 1 of 2023 is also disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)