

OD - 32 to 40

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

ORIGINAL SIDE

APO/21/2024
IA NO: GA/1/2024

M/S PROGRESSIVE ELECTRONICS
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

APO/22/2024
IA NO: GA/1/2024
DEB NARAYAN MUKHERJEE
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

APO/23/2024
IA NO: GA/1/2024
M/S MEGHDOOT STEEL FURNITURE
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

APO/24/2024
IA NO: GA/1/2024
M/S NILAM INDUSTRIAL CORPORATION
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

APO/25/2024
IA NO: GA/1/2024
M/S INDU FURNITURE
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED

AND ORS

APO/26/2024
IA NO: GA/1/2024

M/S VISHAL STEEL FURNITURE
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

APO/27/2024
IA NO: GA/1/2024

M/S GUPTA BROTHERS
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

APO/28/2024
IA NO: GA/1/2024

ASISH CO
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

APO/29/2024
IA NO: GA/1/2024

SHRI DINESH GUPTA
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LIMITED
AND ORS

BEFORE :
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 26th February, 2024

Appearance :
Mr. Shiv Shankar Banerjee, Adv.
Ms. Anupa Banerjee, Adv.
..for the appellant.

Mr. Debabrata Banerjee, Adv.
Mr. Mahendra Prasad Gupta, Adv.

Mr.Hemanta Kumar Das, Adv.
...for the WBSIDCL.

The Court : We have heard the learned advocates for the parties.

In this batch of appeals though initially orders have been passed by the learned Single Judge, the prayers made in all the writ petitions were identical and, therefore, all the appeals were disposed of by this common judgment and order.

According to the respondent, namely, West Bengal Small Industries Development Corporation Limited, the right granted to the appellants to remain in possession of the premises expired more than a decade ago and that the appellants have not been paying lease rental nor the arrears.

Learned advocate for the appellant would strenuously dispute such submission and would submit that in three of the cases the lease was granted and it had expired but in other cases by virtue of a letter the respective appellants were put in possession. Further, it is submitted that the appellants are ready and willing to pay the rent which has been determined by the authorities but they are disputing the arrears which the appellants will not be in a position to pay as they are small traders.

It is seen that in the notice dated 29.1.2024 the authority has taken action under Rule 3(1) of the West Bengal Premises Tenancy Regulations Act, 1976 and the rules framed

thereunder and an order to the said effect has been passed. In the said order dated 29.1.2024 the appellants have been granted liberty to file an appeal before the appellate authority, namely, the managing director of the respondent corporation. As rightly held by the learned Writ Court, all the writ petitions are premature. Therefore, at this juncture, the question of interfering with the action initiated by the respondent does not arise. Therefore, all the appeals are dismissed and the appellants are directed to file their appeals before the managing director of the respondent corporation within 15 days from the date of receipt of the server copy of this order. Until then the respondent corporation shall not initiate any coercive action against the appellants.

It will be well open to the appellants to plead their case before the appellate authority and also place submissions that they are willing to pay rental that they may be fixed and the disputed portion is only the arrears. It is made clear that all the issues of facts and points of law can be canvassed in the appeal to be filed by the appellants. In the event the appellants do not file the appeals within the time prescribed by this Court, benefit of this order will not enure to the appellants and the appeals will stand automatically dismissed without any reference to this Court and the

respondents would be at liberty to proceed further with the action already initiated.

In view of the above, the appeals are dismissed. Consequently, the connection applications are also dismissed.

(T.S. SIVAGNANAM)
(CHIEF JUSTICE)

(HIRANMAY BHATTACHARYYA, J.)

S.Das/