

Sl.11
12.06.2025
Court No.6
BP

C.O. 1870 of 2025

Syama Prasad Mookerjee Port
-versus-
Sidhartha Sarawgi

Mr. Mainak Bose, Sr. Advocate
Mr. Snehasis Sen
Mr. Abhishek Banerjee
Mr. Sitikantha Mitra
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of Syama Prasad Mookerjee Port, Kolkata praying for a direction upon the learned Additional District Judge, 15th Court at Alipore to dispose of P.P. Appeal No. 20 of 2022 expeditiously.

Mr. Bose, the learned senior advocate appearing for the petitioner places reliance upon an order passed by this Court on May 14, 2025 in a batch of civil revisional applications the lead case being C.O. 1167 of 2024 in the case of Syama Prasad Mookerjee Port, Kolkata formerly known as Board of Trustees for the Port of Kolkata Vs. Bhagirath Kejriwal & Ors. in support of his contention that a direction should be passed upon the learned judge of the appellate court to dispose of the P.P. Appeal within a period of one month from the next date.

Mr. Bose further submits that the present monthly occupational charges as per the schedule of rate in respect of Plate No. D-281/5 is Rs. 2,55,562/- and in so

far as Plate No. SF/97 is Rs. 15,973/- per month. He submits that the order of stay was passed subject to a condition of payment of Rs. 12,000/- only.

Since the application for stay is pending, this Court is not inclined to make any observation in that regard.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite parties. However, the learned advocate appearing for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned advocates representing them before the learned appellate court.

From the order-sheets appended to the revisional application this Court finds that 29th April, 2025 was fixed for hearing of the stay application.

Mr. Bose, the learned senior advocate appearing for the petitioner submits that the stay application is otherwise ready for hearing and the next date for hearing of the stay application has been fixed only on 3rd July, 2025.

In the light of the submissions made by Mr. Bose, the learned senior advocate for the petitioner, C.O. 1870 of 2025 stands disposed of by requesting the learned Additional District Judge, 15th Court at Alipore to take up the hearing of the stay application on the next date fixed i.e. on 3rd July, 2025 and to make an endeavour to dispose of the same as expeditiously as possible but preferably

within a period of one month from the next date fixed without granting any unnecessary adjournments to either of the parties.

After disposal of the interlocutory application the learned appellate court shall proceed with the hearing of the appeal keeping in mind the order passed by this Court in Bhagirath Kejriwal (supra).

It is however made clear that this Court has not entered into the merits of the claim with regard to the occupational charges and all points are kept open to be decided by the learned judge of the appellate court.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)