

D/L
Item No. 11
21.07.2025
KOLE

CO 2231 of 2025

Khaitan Consultants Limited
-Vs.-
M/s. Bhadra & Brahmachari

Mr. Mainak Bose,
Mr. VVV. Sastry,
Mr. Khushi Gupta,

...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No. 204 dated 22nd May, 2025 passed by the learned Civil Judge, 2nd Bench, Small Causes Court at Calcutta in Ejectment Suit No. 835 of 2000. By the order impugned the application under Section 151 of the Code of Civil Procedure praying for payment of occupational charges stood rejected.

Mr. Bose, learned Advocate appearing for the petitioner submits that the application for payment of occupational charges was rejected by a non-speaking order. However, the issue that arises for consideration is whether a tenant governed under the provisions of the West Bengal Premises Tenancy Act, 1956 can be directed to pay occupational charges during the pendency of the said suit. Such issue is no longer *res integra* as it has been held by this Court by a judgment and order dated 2nd April, 2025 in CO No. 359 of 2025 in the case of **Khaitan Consultants Ltd.-vs.-Daimanti Devi & Anr.**, that a statutory tenant cannot be directed to pay occupational charges during pendency of the suit for eviction. Since the

issue as to the right of the plaintiff to claim occupational charges is held against the petitioner, no useful purpose will be served by directing the learned Trial Court to consider the application afresh and to pass a reasoned order.

For such reasons, this Court is not inclined to interfere with the order impugned.

CO No. 2231 of 2025 stands dismissed without, however, any order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)