

Form No. J (2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

RVW 169 of 2025

Anil Kumar Poddar

vs.

Kamal Singh Jain & Ors.

In

WPLRT 170 of 2024

Kamal Singh Jain & Anr.

Vs.

Anil Kumar Poddar

With

WPLRT 47 of 2025

Anil Kumar Poddar

Vs.

Kamal Singh Jain & Anr.

For the Review

Applicant

: Mr. Ashim Kr. Roy, Advocate
Mr. Anirban Roy, Advocate

Heard & Judgment on : 20.08.2025

Md. Shabbar Rashidi, J.:-

1. Review application is at the behest of the landlord/petitioner/applicant.
The instant review application has been filed seeking review of a judgment and order dated May 15, 2025.
2. Learned advocate appearing for the review applicant submits that, the tenant made certain claims which the tenant did not establish at the time of hearing. In this regard, he draws the attention of the Court to various paragraphs of the judgment and order under review which records the submissions made on behalf of the tenant.
3. Learned advocate appearing for the review applicant submits that, the Court was pleased to allow certain deduction from the rent fixed. He submits that, the tenant is not entitled to such deduction since, the tenant never maintained the property concerned nor paid any amount as claimed by the tenant.
4. Learned advocate appearing for the review applicant submits that, the landlord is entitled to the highest rate of rent than fixed by the judgment and order under review. He draws the attention of the Court to the fact that, the tenant filed a Special Leave Petition, which the tenant deliberately kept pending without knowing the defects.
5. Heard submissions made on behalf of the review applicant.
6. Review applicant has sought review of the judgment and order dated May 15, 2025 delivered in WPLRT 170 of 2024 and WPLRT 47 of 2025.

7. In both the writ petitions, order dated October 7, 2022 passed by the West Bengal Land Reforms Tenancy Tribunal in OA 3474 of 2022 and OA 3297 of 2022 had been challenged.
8. Tribunal had been approached assailing an order passed by the Rent Controller in RC 440 of 2003.
9. Fixation of fair rent in respect of a tenancy enjoyed by the writ petitioners in WPLRT 170 of 2024 was in dispute from the stage of the Rent Controller till the judgment and order under review.
10. By the judgment and order under review we had fixed the fair rent payable.
11. We have noted above, the facts with regard to payment made by tenant noted in the impugned judgment and order are submissions made on behalf of tenants.
12. Apparently, the aforesaid fact to the effect that, the review applicant made such payment as arrears of rent and towards maintenance of the disputed building were not taken into consideration as sought by the tenant in the impugned judgment and order.
13. It is trite law that, the review of judgment and order should be in consideration of an error apparently on the face of such judgment. No such apparent error has been pointed out by the learned advocate for the review applicant.
14. In such circumstances, we do not find any reason to review the impugned judgment and order dated May 15, 2025.

15. **RVW 169 of 2025** is **dismissed** without any order as to costs.

(Md. Shabbar Rashidi, J.)

16. I agree.

(Debangsu Basak, J.)

CHC