

Item No. 15
15.12.2025
Court. No. 6
GB

C.O. 3991 of 2025

M/s. Vijai Shree Private Limited
Vs.
Board of Major Port Authority
For Syama Prasad Mookerjee Port

*Mr. Shyamal Sarkar, Sr. Adv.,
Mr. Rajesh Gupta,
Mr. Debangshu Dinda,
Ms. Tomoghna Saha,
Ms. Vanshika Newar,
Mr. Arnab Kumar Ghosh,
Mr. Niraj Tiwari*

...for the Petitioner.

*Mr. Subhankar Nag,
Mr. Abhishek Banerjee*

...for the Opposite Party.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner is aggrieved by the order dated September 10, 2025, passed by Additional District Judge Fast Track Court-II, Howrah in Misc. Appeal No. 161 of 2022.
3. Mr. Nag, learned advocate for the opposite party opposes the prayer for stay made by Mr. Sarkar, learned senior advocate for the petitioner, on the ground that, the interim order had expired long ago and the learned appeal court had also recorded such fact. Five months after expiry of the interim order, when the Court had recorded that no stay order was subsisting, the petitioner filed an application for extension of the interim order without assigning proper reasons. Under such circumstances, it is submitted by Mr. Nag that the learned court had

exercised jurisdiction, upon noticing the conduct of the petitioner.

4. Mr. Sarkar, learned senior advocate for the petitioner submits that the application was filed on the very next date fixed by the court after recording that the interim order had expired. A supplementary affidavit was filed explaining the delay. Yet, the learned court rejected the application for extension and/or re-imposition of the order of stay on an incorrect appreciation of law. It is submitted that on five earlier occasions, the interim order of stay had been extended by the court and such stay was operating during the pendency of the appeal. The opposite party also did not pray for vacating or variation of the said order. Mr. Sarkar also submits that the monthly rent is being paid regularly.
5. Heard the parties. The court held that, the allegation that the learned advocate who had been engaged had not taken steps, was unfounded and not proper. Learned court was also of the opinion that under Section 148 of the Code of Civil Procedure, the stay could be extended for not more than 30 days. This, in my opinion, was an incorrect assessment of the situation. Section 148 of the Code of Civil Procedure does not come into operation in a situation of this nature. However, the petitioner admittedly did not take steps with expedition and as such, the opposite party must be compensated. Cost of Rs.30,000/- shall

be paid by the petitioner to the opposite party, within January 10, 2026.

6. There shall be an unconditional order of status quo with regard to nature, character and possession of the property till January 10, 2026 and the same shall continue for a period of 5 months or till disposal of the appeal, whichever is earlier. The learned court is directed to dispose of the appeal preferably within the aforementioned period. If the appeal cannot be disposed of for some unforeseen circumstances, the petitioner can renew the prayer for status quo.
7. As no affidavits are called for, the factual allegations are deemed to be denied.
8. Accordingly, the application is disposed of.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)