

December 15, 2025
Sl. No.55
Court No.1
s.biswas

MAT 2130 of 2025
With
CAN 1 of 2025

Shayan sachin Basu
vs.
The State of West Bengal and others

Mr. Shuvro Prakash Lahiri
Mr. Rajesh Naskar
Mr. Ranit Mukherjee

... for the appellant

Mr. Vivekananda Bose
Ms. Mousumi Banerjee

... for the State

Ms. Piyali Sengupta
Mr. Victor Chatterjee

... for the PSC

Mr. Debashis Banerjee
Mr. Rakesh Jana
Mr. Apurba Kolya

... for the respondent nos.5 & 7

Per, Sujoy Paul, A.C.J.

1. Mr. Shuvro Prakash Lahiri, learned counsel for the appellant, Mr. Vevekananda Bose, learned counsel for the State, Ms. Piyali Sengupta, learned counsel for the PSC and Mr. Debashis Banerjee, learned counsel for the respondent nos.5 and 7, are present.
2. This *intra*-court appeal takes exception to the interlocutory order dated 04.12.2025. The main matter is still pending before the learned Single Judge and matter is directed to be listed under the caption "Hearing" in the combined monthly list of January, 2026. Learned Single Judge has taken a decision on interim order and order shows that court is inclined to decide the matter in January 2026 itself. In this backdrop, we are

not inclined to interfere at this stage. Any observation at this ad interim stage may adversely affect the merits of the main case.

3. Apart from this, the scope of interference in an *intra-court* appeal against an interlocutory order is limited. If order is passed in furtherance of adjudication of a pending matter and is “interlocutory” in nature and does not have final impact on the merits of the case, the same cannot be impugned in an *intra-court* appeal. Supreme Court has considered this aspect in number of cases and it was held in ***Midnapore Peoples’ Coop. Bank Ltd. v. Chunilal Nanda ((2006) 5 SCC 399)*** as under:

15. *Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories:*

- (i) Orders which finally decide a question or issue in controversy in the main case.*
- (ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.*
- (iii) Orders which finally decide a collateral issue or question which is not the subject-matter of the main case.*
- (iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.*
- (v) Orders which may cause some inconvenience or some prejudice to a party,*

but which do not finally determine the rights and obligations of the parties.

16. The term “**judgment**” occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in **Section 2(9) CPC** and orders enumerated in **Order 43 Rule 1 CPC**, but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties. Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, “judgments” for the purpose of filing appeals under the Letters Patent. **On the other hand**, orders falling under categories (iv) and (v) are not “judgments” for the purpose of filing appeals provided under the Letters Patent.

(Emphasis Supplied)

The Supreme Court in a recent judgment in **Shyam Sel and Power Limited v. Shyam Steel Industries Limited ((2023) 1 SCC 634)** took a similar view.”

(Emphasis Supplied)

4. For the aforesaid reasons, in our opinion, this interlocutory order falls under category (iv) of Para 15 of judgment of **Midnapore Peoples’ Coop. Bank Ltd. (supra)** and does not have the character of a ‘judgment’ and hence does not warrant any interference.

5. Considering the nature of case, we request the learned Single Judge to endeavour to decide the matter expeditiously preferably in January 2026 (as already recorded in the impugned order).
6. Apart from this, learned Single Judge has already made it clear that result of selection will remain subject to final outcome of the writ petition.
7. With the aforesaid observation and without expressing any opinion on merits, MAT and the connected application are **disposed of**.

(Sujoy Paul, A.C.J.)

(Partha Sarathi Sen, J.)