

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction**

CO 66 of 2025

**Smt. Ratna Boruah
-versus-
Reba Kar Bhowmik**

Mr. Bhaskar Roy Mahasaya,
Ms. Ambalika Ghosh

... for the petitioner.

Mr. Soumajyoti Dutta,
Ms. Kakali Roy

...for the opposite party.

This revisional application is filed by the tenant against an order dated 2nd January, 2025 passed in H.R.C. Case No.8/1 of 2022 dated 11.01.2022 by which the application of the petitioner (tenant) under Section 21 of the West Bengal Premises Tenancy Act, 1997 (in short “WBPTA”) was dismissed.

It is well-settled provision of law that against an order passed under Section 21 of WBPTA, the aggrieved party has to approach the West Bengal Tenancy Tribunal constituted under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 Act (in short, “WBLRTT Act”).

Section 43 of the WBPTA clearly specifies that an aggrieved party is to approach the Land Reforms Tenancy Tribunal by filing an appeal. The opposite party (landlord) has also taken this point by citing a

judgment of a coordinate Bench of this Court delivered on 24th July, 2012 in C. O. 3550 of 2005 (Hemanta Byabortha vs. Uttam Sasmal).

In order to circumvent this hurdle, the petitioner says that an appeal under Section 43 of WBPTA can be filed only against a final order.

Learned advocate for the petitioner places the order impugned which reads as follows:

“Timeline has not been adhered. Hence, the case is dropped.

All concerned to be informed accordingly.”

It is submitted on behalf of the petitioner that there has been no adjudication of the right of the tenant vis-à-vis the provisions of Section 21 of WBPTA as to whether the tenant is entitled to deposit the rent or is debarred from doing so. In absence of such finding, the order impugned cannot be construed to be a final order. If the same is not a final order, according to the petitioner, the said order can be challenged by filing a revisional application.

Responding to such submission made by the petitioner, the learned advocate for the opposite party submits that there are series of order which has led to passing of the final order, being the order impugned. The order dated 21st November, 2024 is placed before the Court to demonstrate that the petitioner was directed to show evidence for payment of rent of

October, 2021 on the next date of hearing and submit evidence as to how the timeline as mandated under Section 21 of WBPTA was adhered to by the tenant.

After hearing the parties and considering the materials on record, I find that Section 21 of WBPTA lays down a clear timeline regarding refusal to accept rent by a landlord on the same having been tendered by the tenant. If the landlord refuses to accept, then the tenant is required to send the same through postal money order within 15 days from such refusal. If the landlord refuses to accept the postal money order which is returned back to the tenant as undelivered, then the tenant may deposit such rent with the Controller within 15 days from the date on which it is so returned to the tenant.

On a conjoint reading of the order dated 21st November, 2024 and the order impugned, it cannot be said that the order impugned is not a final order. In any event the order impugned dismisses the application made by the tenant under the provision of Section 21 of WBPTA for deposit of rent the dismissal of the application amounts to passing of a final order. It may be a ground of the petitioner that there are no reasons given in the order, but that will not change the nature and character of the order to be a final order on the petitioner's application having been dismissed.

In the aforesaid facts and circumstances, I find that this revisional application is not maintainable for the reasons as aforesaid and particularly in view of the fact that the order impugned is an appealable order under WBPTA and is liable to be and should be dismissed.

The revisional application, being C.O. 66 of 2025 is, therefor, dismissed, however, without any order as to costs.

(Arindam Mukherjee, J.)