

23.03.2026
SL No.20
Court No.12
(gc)

MAT 445 of 2026
CAN 1 of 2026

R.S.P. Green Development and Laboratories Pvt. Ltd.
Vs.
Arindam Basu & Ors.

Mr. Sounak Bhattacharya,
Mr. Souvik Das,
Mr. Anirban Saha Roy

.....for the Appellant.

Mr. Arindam Basu,
Mr. Sourav Modak

...Respondents-in-person.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

...for the H.M.C.

1. The defect in the appeal has been rectified. Additional court-fees have been paid.
2. The appeal has been filed from an order dated 26th February, 2026 passed in CPAN 1765 of 2023 (CAN 1 of 2026) arising out of WPA 8817 of 2023 with WPA 12703 of 2023. The appellant seeks extension of time to remove the articles from the premises which has been sealed by the Howrah Municipal Corporation, upon detecting unauthorized user of the premises in question. The appellant was granted liberty by the learned Single Judge, to remove all the articles within 48 hours. The Corporation was directed to open the

lock and allow removal of the articles in the presence of the police and the parties to the proceeding.

3. Mr. Bhattacharya, learned Advocate for the appellant submits that the time fixed by Her Lordship may be extended. The appellants will not be in a position to remove the articles within the timeframe fixed by Her Lordship.
4. We do not find any illegality in the order of Her Lordship. Rather, Her Lordship has been indulgent and kind to the appellant, by allowing the appellant to remove the articles from the premises which have been sealed by the Howrah Municipal Corporation, upon being satisfied that the user of the premises had been illegally converted. We find that, after the order impugned was passed, by another order dated March 19, 2026, Her Lordship fixed 28th March, 2026 and 29th March, 2026 for removal of the articles from the sealed flat. The men and agents of the Howrah Municipal Corporation were directed to remain present at the spot on the aforesaid dates from 12.00 noon to 5.00 p.m. The order impugned has been passed in a contempt proceeding. We are not the appellate court from orders passed in a contempt proceeding. Secondly, if the appellant is unable to complete the process of removal, its remedy would be before Her Lordship who is in seisin of the contempt application.

5. Under such circumstances, the appeal and the connected application are dismissed.
6. There shall be no order as to costs.
7. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)