

30.03.2026
Court No. 12
Item No. 04
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 516 of 2026
IA No : CAN 1 of 2026

Tribeni Constructions Limited & Anr.
-Versus-

Damodar Valley Corporation & Ors.

Mr. Ratnanko Banerji, Sr. Adv.,
Mr. Kausik Kejriwal,
Mr. Aishwarya Kumar Awasthi
.....for the appellants

Mr. Anirban Ray
Mr. Deepan Sarkar,
Mr. Prasun Mukherjee,
Mr. Deepak Agarwal
....for the DVC.

1) The appellant is aggrieved by the order dated March 9, 2026 passed in W.P.A. 2526 of 2026.

2) Mr. Ray, learned senior advocate questions the maintainability of the appeal on the ground that neither any order nor a judgment was passed by the learned single Judge from which the appeal would lie. Reliance has been placed in the case of **Shyam Sel and Power Limited and Anr. vs Shyam Steel Industries Limited** reported in **(2023) 1 SCC 634**.

3) Mr. Ratnanko Banerjee, learned senior advocate for the appellants submits that there was some miscommunication and misunderstanding, which led to the order under appeal dated March 9, 2026. On

February 26, 2026, the matter was mentioned when it appeared before His Lordship as Item No. 58. On that day, the matter was fixed by his Lordship for March 9, 2026. The matter was running in the list and was called on March 5, 2026. Learned senior advocate for the appellants were under the impression that the matter would be taken up on March 9, 2026, and he was not ready. The junior prayed for an adjournment and His Lordship directed that the matter should be listed in the monthly combined list of May 2026.

4) The appellant is aggrieved by such order and also because His Lordship had recorded that the appellants suppressed the order dated March 5, 2026 before His Lordship on March 9, 2026. His Lordship was of the view, that, in view of the suppression, the matter should appear in the combined monthly list of May 2026, in terms of the order dated March 5, 2026

5) Although Mr. Ray has raised a question as to whether in the absence of an appeal from the order dated March 5, 2026, this Bench should at all direct bringing forward the date of hearing of the writ petition, in our view the order dated March 5, 2026 merged with the order dated March 9, 2026 and in the last paragraph of the order dated March 9, 2026 His Lordship gave a direction that the writ petition should appear in the monthly combined list of May 2026.

6) With regard to the judgement cited by Mr. Ray we are not inclined to consider the same at this stage. We are not entertaining the appeal on merits.

7) The appellants have prayed for interim order in the writ petition and we are of the view that justice would be sub-served if the writ petition is taken up for hearing within two weeks at least on the issue of grant of an interim order.

8) Accordingly, the appeal and the application are disposed of.

9) We are not entering into the merits of the appeal. We are not entertaining the documents, additional documents, if any, which was filed before us. The writ petition will be heard on the documents before His Lordship and it will be upto His Lordship to permit any further/additional documents.

10) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)