

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**RVW/203/2025
K K COMMODITIES LLP
VS
UNION OF INDIA AND ORS.
IA NO: CAN/1/2025
in
FMA/148/2025
K K COMMODITIES LLP
VS
UNION OF INDIA AND ORS.**

For the Review Applicant : Mr. Siddhartha Banerjee, Advocate
Mr. Sayak Ranjan Ganguly, Advocate
Ms. Srijani Ghosh, Advocate
Mr. Kripa Kami, Advocate
Ms. Simrin Hussain, Advocate

For the Metro Railway : Mr. Promod Kumar Drolia, Advocate
Mr. Santosh Kumar Pandey, Advocate

Heard & Judgment on: May 13, 2026

Debangsu Basak, J.

1. Review applicant seeks review of the judgment and order dated May 22, 2025.

RVW/203/2025

2. Learned advocate appearing for the review applicant submits that, the Metro Railway took possession of the property concerned much prior to June 4, 2020 as held by the judgment under review. He submits that, therefore, the review applicant is entitled to interests under Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.
3. In support of the contention that, possession of land in question was taken prior to the deposit of the compensation on March 3, 2020, learned advocate for the review applicant refers to various maps downloaded from the Google website. He submits that, such maps were not available at the time when, the judgment under review was passed. He submits that, the review applicant obtained the Google Map subsequently which will show that, construction was carried on by the Metro Railway authorities in the plot in question much prior to the deposit of the compensation amount on March 3, 2020. Without taking possession, it was not possible for Metro Railway authorities to undertake such construction. Therefore, according to him, the judgment under review should be revisited. Compensation under Section 80 of the Act of 2013 should be directed to be paid.
4. Metro Railway Authorities are represented.
5. Issue as to receipt of interest in terms of Section 80 of the Act of 2013 received consideration of the learned Single Judge. Learned Single

RVW/203/2025

Judge turned down the requests of the review applicant to grant interest in terms of Section 80 of the Act of 2013.

6. Appeal preferred by the review applicant was disposed of by us by the judgment under review dated May 22, 2025. In doing so, we took into account various documents which were produced before us. We dealt with such documents elaborately in our judgment.
7. In course of hearing today our attention was drawn to three several documents which according to the review applicant establishes that, possession of the immovable property concerned was taken much prior to March 3, 2020 which is the date when, the compensation was deposited.
8. The first document in this regard is dated August 23, 2013. Such document is a letter of Metro Railways which states that land in question will be acquired for construction of a new Metro station. Such document does not establish that, possession was taken. It exhibits an intention to acquire for establishing a metro railway.
9. The next documents referred to are dated January 4, 2024 and January 24, 2024. Both of them are subsequent to the date of deposit being March 3, 2020. None of those two documents gives any date of possession prior to March 3, 2020.
10. The Google Maps were annexed to the stay petition which resulted in the judgment under review. Such Google Maps, however, do not

RVW/203/2025

contain the date. Today, the affidavit-in-reply contains photographs claimed to be taken from the Google Website which contains the dates. These materials were not placed before us when, we delivered our judgment which is under review.

11.The Google maps produced do not establish that Metro Railway authorities took possession of the property concerned prior to March 3, 2020. At best, it shows some amount of construction on the plots concerned. We are not in a position to arrive at a conclusive finding that, the alleged constructions were undertaken by the Metro Railway authorities.

12.It is trite law that, a judgment cannot be attacked as an appeal in the garb of a review.

13.In such circumstances, we find no ground to allow the review petition.

14.**RVW/203/2025** along with connected application are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

15. I agree

(Md. Shabbar Rashidi, J.)