

15.05.2026
Ct. no.7.
Sl. No. 1
sb

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Appellate Side

C.O. NO.28 OF 2026

SARWAN KUMAR AGARWALLA @ SARWAN
AGARWALA @ SARWAN KUMAR AGARWALA
Vs.
DEBABRATA SHAH AND ORS.

Mr. Satyaki Basu
Mr. Chattu Roy
... for the petitioner

1. This matter appeared in the list on 13th May, 2026 when after hearing the petitioner, I had, in open Court, extended the interim order dated 21st April, 2026 since by inadvertence the learned Co-ordinate Bench in the previous Circuit had reinstated the interim order dated 2nd March, 2026 up till the end of April 2026 or until further orders whichever is earlier but had made the matter returnable before the next Circuit which commenced from 11th March, 2026.

2. Since the next Circuit commenced from 11th May, 2026, the interim order stood expired by efflux of time prior to the returnable date the order was extended as it was an inadvertent error on the part of the Court. However, when the order was placed before me for being signed, I found that the challenge in this revisional application is an

order passed by the Controller under Section 39 sub-section 12 of the West Bengal Premises Tenancy Act, 1997. The West Bengal Premises Tenancy Act, 1997 is a specified Act under Section 2(r) of the West Bengal Land Reforms And Tenancy Tribunal Act, 1997 (in short LRTT Act).

3. Section 6(a) of the LRTT Act envisages that an order in original made by an authority under the specified Act will be subject to the jurisdiction of the Tribunal constituted under the LRTT Act.

4. In view of the aforesaid, this Court in exercise of its jurisdiction under Article 227 of the Constitution of India cannot entertain a revisional application arising out of an order passed by the Controller under Section 39(12) of the West Bengal Premises Tenancy Act. The revisional application is, therefore, not maintainable even if the order impugned is without jurisdiction as contended by the petitioner.

5. No interim order can or could, therefore, be either passed or reinstated or extended since this Court lacks inherent jurisdiction while exercising jurisdiction under Article 227.

6. The application being C.O. No.28 of 2026 is, therefore, dismissed on the ground that this Court does not have the jurisdiction to receive, try and determine the revisional application.

7. The petitioner will be, however, entitled to the benefit of having proceeded before a Court without jurisdiction between 26th February, 2026 when this revisional application was filed and this date (15-05-2026).

(Arindam Mukherjee, J.)