

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
ORIGINAL SIDE

RVWO/3/2026
IA No.GA/1/2026

TARIT MITRA & ANR.

-VERSUS-

SHARAD GOENKA

CRCC/1/2026

SHARAD GOENKA

-VERSUS-

TARIT MITRA & ANR.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

-AND-

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date: 6th April, 2026

Appearance:

Mr. Sakya Sen, Sr. Adv.

Mr. Sukrit Mukherjee, Adv.

Ms. Somali Bhattacharyya, Adv.

Ms. Megha Das, Adv.

...for the applicant in RVWO/3/2026

Ms. Rashmi Chowdhury, Adv.

Mr. Naresh Balodia, Adv.

...for the respondent.

Mr. Anirban Mitra, Adv.

Mr. Naresh Balodia, Adv.

Mr. Amit Halder, Adv.

Ms. Rashmi Chowdhury, Adv.

...for the petitioner in CRCC/1/2026.

The Court :- **Re: RVWO/3/2026:** By RVWO/3/2026 the review applicant seeks review of the judgment and order dated December 18, 2025 passed in APO/54/2024.

Learned senior Advocate appearing for the review applicant submits that, although the contention of the review applicant was recorded as if it was

made by the learned counsel appearing for the review applicant and although the review applicant was represented on the dates of hearing, nonetheless the Court actually did not call upon the review applicant to make any submission. The Court, on its own, recorded the submissions as appearing from the judgment and order under review. He, therefore, submits that such mistake of the Court should not prejudice any parties to the proceedings. Therefore, the memorandum of review should be allowed.

Learned Advocate appearing for the respondent in the memorandum of review submits that, simplicitor on the ground that the learned Court proceeded to record some submissions made on behalf of the review applicant, the same did not constitute a valid ground for review. He submits that, his client filed a contempt petition being CRCC/1/2026 alleging that the review applicant made certain statements which are false in the memorandum of review.

Appeal was heard by this Bench. Hearing thereof was concluded on November 14, 2025.

While delivering judgment we proceeded to record certain submissions as being advanced on behalf of the review applicant.

The case of both the review applicant as also the party opposing the memorandum of review is that, the learned counsel for the review applicant was not called upon to address the Court. The review applicant however admits that such contentions were raised before the learned Trial Judge.

Consequently, since the Court proceeded to record submissions as if made on behalf of the review applicant, it would be appropriate that the judgment and order under review is revisited.

Since the Court proceeded on a matrix as recorded in the judgment and order under review and since one of the learned counsels did not take a stand as recorded therein, it would be appropriate in the interest of justice that, the entire of the judgment and order dated December 18, 2025 is recalled. Consequently, RVWO/3/2026 is allowed. The judgment and order dated December 18, 2025 passed in APO/54/2024 is recalled. APO/54/2024 is restored to its file and number.

List APO/54/2024 on April 20, 2026.

Re: CRCC/1/2026: So far as the contempt petition is concerned, we do not find that any false statement or any statement warranting invocation of Article 215 of the Constitution of India or the provisions of the Contempt of Courts Act, 1971 exist.

In such circumstances, we are not minded to invoke such provisions of law and initiate contempt proceeding as against the alleged contemnors.

CRCC/1/2026 is, therefore, disposed of.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)