

OD-14

APOT/264/2025
IA No.GA/1/2025
GA/2/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Original Side

RAWDON APARTMENTS PVT. LTD.

-VERSUS-

SQUARE FOUR ASSETS MANAGEMENT
AND RECONSTRUCTION COMPANY
PVT. LTD. AND ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 19th January, 2026.

Appearance:

Mr. Swapan Nath, Adv.
Mr. Rachit Lakhmani, Adv.
Mr. Piyush Kumar, Adv.
Ms. Shreyasi Nath, Adv.
...for the appellant.

Mr. Rohit Das, Adv.
Mr. Kaushik Banerjee, Adv.
Mr. Sudipta Paul, Adv.
Ms. Rashmita Sen, Adv.
Ms. Sarbani Ghosal, Adv.
...for the respondent no.1.

Mr. Soumabho Ghosh, Adv.
Ms. Tiana Bhattacharya, Adv.
Ms. Shreya Ghosh Dastidar, Adv.
...for the respondent nos.9 to 13.

The Court :- IA No.GA/1/2025 is an application for condonation of delay of 566 days in making and preferring the delay,.

Affidavit filed in Court, be taken on record.

Learned Advocate appearing for the appellant submits that, although the appellant was a party defendant in the suit, since no adverse orders were passed in the suit, the appellants were unaware of the impugned order.

Drawing the attention of the Court to the impugned order dated January 22, 2024, learned advocate appearing for the appellant submits that, the appellant is aggrieved by a particular direction contained therein. He submits that, Special Officer was required to adjudicate upon the claims of the defendant no.1 by giving an opportunity of hearing to the parties. He submits that, in a suit for administration and management of immovable properties, Special Officer was appointed by Court. Special Officer was tasked with various activities. Such activities include the maintenance of the building concerned. Appellant is cooperating with the Special Officer in this regard.

Learned advocate appearing for the appellant submits that, the power of adjudication granted to the Special Officer is contrary to law. A Court cannot delegate its power of adjudication to a Special Officer. Appellant is aggrieved by such portion of the impugned order.

So far as delay is concerned, he submits that, the appellant was not aware of such direction till the date which is disclosed in the application for condonation of delay.

Learned advocate appearing for the plaintiff/respondent nos.9 to 13 submits that, the application of such respondent, on which the direction for adjudication was passed, did not contain any prayer for such adjudication. He submits that, his client does not support the portion of the order by which learned Single Judge directed adjudication by the Special Officer.

Learned advocate appearing for the other respondent submits that, the Special Officer was essentially directed to collate the respective claims of the parties and to submit a report thereon.

In a suit for administration and maintenance of immovable properties, from time to time interim orders were passed by the learned Trial Judge, Special Officer was appointed for the purpose of management and administration of the building.

By impugned order while the learned Single Judge issued directions with regard to the management and administration of the building, learned Single Judge proceeded to direct the Special Officer to adjudicate upon the claims of the respective parties regarding the maintenance already executed.

None of the parties before us support such direction given by the learned Single Judge. Prayer for adjudication by the Special Officer was not made by the plaintiff/respondent nos.9 to 13. The Special Officer cannot assume the role of adjudicator unless the parties agree to refer such disputes to such persons. None of the parties are agreeing to refer their disputes to the adjudication of the learned Special Officer.

Although, the causes shown in the application for condonation of delay is specious, nonetheless in the peculiar circumstances of the present case, we deem it appropriate to condone the delay of 566 days in making and preferring the appeal. Accordingly, IA No.GA/1/2025 is disposed of.

Since we dealt with the merits of the appeal itself while disposing of the application for condonation of delay, we deem it appropriate to dispose of the appeal also.

In view of our finding that the learned Trial Judge exceeded jurisdiction in calling upon the Special Officer to adjudicate upon the respective claims of the occupants and the entities undertaking the maintenance, it would be appropriate to set aside such direction.

The direction contained in the impugned order requiring the Special Officer to adjudicate on the claims of the respective parties is set aside.

APOT/264/2025 and IA No.GA/2/2025 also stands disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)