

**Misc Appeal No – 24 of 2025**  
**Present: Sri Biswarup Bandyopadhyay, Chief Judge, (WB01133)**

**Order No. 09 dated 22.01.2026**

Today is fixed for awaiting order from the Hon'ble High Court Calcutta.

Appellant files a petition along with a copy of order dated 19.01.2026 passed by Hon'ble High Court Calcutta in C.O 2299 of 2025 wherein Hon'ble High Court Calcutta has been pleased to direct as follows:

“16. Under such circumstances, I do not find any perversity in the order of the learned Judge in condoning the delay of five days. The question now before this Court is whether the condition imposed by the learned Judge is sufficient or not. It already appears that the opposite party no.2 has made an offer and Mr. Banerji candidly submits that the opposite parties are interested to arrive at a settlement, and pay the rent as per the schedule of rent.

17. This Court is of the view that if any alteration is made to the rent held to be payable as per the resolution plan, the same can affect the proceedings before the Hon'ble Apex Court and will also be contrary to the resolution plan. The resolution plan is under challenge before the Hon'ble Apex Court. The effect of the order of the NCLT on the arrear payable by the erstwhile owner to Kolkata Port Trust, in terms of the order of the writ Court will require adjudication of the issue as to whether the claim/debt stood extinguished or not.

This is also an issue before the Hon'ble Apex Court

18. Under such circumstances, the prayer for enhancement of the rent at this stage is not entertained. However, as Mr. Banerji submits that the opposite party no.2 wants to make an offer to the petitioner, without prejudice to its rights and contentions, such offer may be made. The petitioner may consider the same as per its discretion. The pending appeal shall be disposed of by the learned appellate authority expeditiously, preferably within a period of two months from date.

19. Accordingly, the revisional application is disposed of.

20. Parties are directed to act on the basis of the server copy of this order.”.

Let it be kept with the record.

Appellant also files a petition supported by an affidavit praying for extension of the interim order granted by this Court on 11.06.2025 on the ground stated therein. Considered, prayer for extension is allowed.

Respondent files hazira along with an copy of order dated 19.01.2026 passed by Hon'ble High Court Calcutta in C.O 2299 of 2025.

Let the appeal be transferred to Ld. 4th Judge of this judgehsip for hearing and disposal.

Fix 29.01.2026 for appearance of both the parties before Ld. 4th Judge of this judgehsip.

Ad- interim order of stay be extended till 29.01.2026.

Chief Judge  
City Civil Court, Calcutta  
(Bench – I)