

Misc. Appeal No. 200 of 2025
CNR NO. WBHW01-005426-2025

Present: Abhijit Som,
District Judge, Howrah.
J.O. Code – WB01127

Order No. 03 dated 12.11.2025.

Learned Advocate of both sides are present.

Written objection is filed on behalf of the Port of Kolkata.

Copy served. Let it be taken on record.

The stay application is taken up for hearing.

Learned Advocate for the appellant submits that if no stay is granted, the appellant may be evicted at any time by use of force. It is also submitted that no such amount is due and recoverable from him.

On the other hand, it is submitted by the learned Advocate on behalf of the KoPT that a huge amount to the tune of Rs. 67,00,000/- approximately is due from the original lessee and therefore, no equitable relief may be granted in favour of the present appellant.

It appears from the impugned order that the present appellant was the O.P. no. 2 in the proceeding before the Estate Officer. No doubt, there is a huge amount due from the appellant and the respondent no. 2 by the KoPT authority and to that effect, order is passed by the Estate Officer. However, it is also true that if the order passed by the Estate Officer is not stayed, the purpose of filing of the instant appeal will be useless.

Having considered the submission of both sides and on perusal of the impugned order, this Court is of the view that an order granting stay of the operation of the order of the Estate Officer may be passed for a limited period, otherwise the purpose of filing of the instant appeal would be frustrated.

Hence, it is

Ordered

that the order passed by the Estate Officer on 15.10.2025 in connection with Proceeding No. 2063, 2063/R and 2063/D of 2024 is hereby stayed for a period of one month hence, subject to deposit of cash security of Rs. 1,00,000/- in the Court.

Let the case record be transferred to the Court of learned Additional District Judge, 4th Court, Howrah for hearing and disposal.

The cash security be deposited in the learned Transferee Court.

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Learned Transferee Court shall take endeavour to dispose of the matter within the time frame as envisaged in the Act.

Fix 10.12.2025 for appearance before the learned Transferee Court.

Dictated & corrected by me.

D. J.

District Judge, Howrah.