

AD -40  
Ct No.16  
13.01.2026  
(SSS)

SAT 253 of 2025

Sri Chittaranjan Banerjee  
Vs.  
Sri Basudeb Agarwal and Ors.

Mr. Tanmoy Mukherjee,  
Mr. Souvik Das,  
Mr. Rudranil Das,  
Mr. Tapas Chatterjee  
....For the appellant.

Mr. Pranit Bag,  
Mr. Rahul Poddar,  
Mr. Souvik Banerjee,  
Mr. Ayush Singhanian  
....For the respondents.

1. This appeal will be heard on the following substantial questions of law:-

(i) Whether both the Courts below substantially erred in law in holding the eviction notice issued by the plaintiff/appellant under Section 6(4) of the West Bengal Premises Tenancy Act, 1997 to be vague in view of no particular date of vacating having been mentioned, which is contrary to the well-settled law that a notice cannot be construed with a view to find fault and it is what the parties understood from the notice which is to be taken into consideration;

(ii) Whether, in view of the language of Section 6(4) of the West Bengal Premises Tenancy Act, 1997, both the Courts below substantially erred in

law in holding that sufficient notice of one month was not given, in view of the notice being issued on March 28, 2013, received by at least one of the defendants on March 30, 2013, and the suit having been instituted long thereafter on June 11, 2013, which dates satisfy the statutory requirement of a clear month between the giving of the notice and the arising of the cause of action.

2. In view of the appearance of the defendants/respondents through their learned advocate, service of notice of the appeal on the respondents is dispensed with.

3. The trial court records shall be brought by special messenger at the cost of the appellant, to be deposited within a week from date.

4. The appellant shall prepare and file the requisite number of informal paper books without comparing with the records within six weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellant.

5. Liberty to the parties to mention the appeal for enlistment before the appropriate learned Single Judge then having determination, as and when the appeal is ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)