

JPS-09
Ct No.01
22.07.2025
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction

C.O. 84 of 2024

Sri Binode Kumar Agarwala alias Panighata Wala @
Binod Kumar Agarwal
Vs
M/s. S. Serum Analysis Center Pvt. Ltd.

Mr. Amales Ray
Mr. Nigam Mittal
Ms. Perna Mitra

.... for the petitioner.

- 1.** An arguable question has been raised by the defendant/petitioner as to whether the jural relationship between the parties is that of tenant-landlord under the West Bengal Premises Tenancy Act, 1997 or its predecessor-statute, that is, the West Bengal Premises Tenancy Act, 1956 or as to whether the said relationship is that of a lessor and lessee under the Transfer of Property Act, 1882.
- 2.** Learned senior counsel appearing for the petitioner argues that the learned Trial Judge failed to take into consideration the composite effect of Section 107 of the Transfer of Property Act as well as Section 3 of the West Bengal Premises Tenancy Act, 1956, which was prevalent at the juncture when the registered lease agreement was entered into between the parties, in arriving at the finding that the lease

is governed by the West Bengal Premises Tenancy Act, 1997.

3. This revisional application is required to be heard on the above question.
4. Accordingly, the petitioner shall serve a copy of the revisional application on the opposite party, indicating that the same shall be listed before the appropriate Bench of the next Circuit, subject to being mentioned before the said Bench.
5. There shall be stay of all further proceedings in O.C. (Eviction) Suit No.199 of 2022 pending before the learned Civil Judge, Junior Division at Siliguri, District-Darjeeling till September 30, 2025 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)