

In the Court of the District Judge, Birbhum at Suri

**Misc. Case – 97 of 2024**

CNR No. WBBB01-004310-2024

Present:- Sri Santanu Jha, (WB00399)

District Judge, Birbhum.

**28**

**10.07.2026**

Date is fixed for passing order in respect of the petition dated 23.06.2026 which has been filed by the original respondents.

None appears in view of resolution of the Bar relating to demise of a senior member of the Bar. Though there is a prayer for not passing any adverse order, the passing of order in this matter is taken up in view of strict direction of the Hon'ble Supreme Court of India. It may be stated that hearing on the relevant petition has been concluded and the order may be accordingly passed in compliance with solemn direction of the Hon'ble Supreme Court of India.

It may be noted that the original respondents Narendra Kumar Anchalia and three others filed a petition on 23.06.2026 wherewith they annexed a copy of order of the Hon'ble Supreme Court of India dated 15.06.2026 and submitted that in accordance with the said order of the Hon'ble Court 25% of the deposited amount of the arbitral Award is required to be released in favour of the said respondents.

The said petition along with other petitions, objection and documents produced during the hearing have been perused carefully. The Ld. Counsels from all sides have been heard at length.

It is to be noted that the instant Misc. Case no. 97/2024 has been filed by the State of West Bengal / Award Debtors against the Award passed by the sole arbitrator under section 34 of the Arbitration and Conciliation Act. The

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awarded amount was deposited in view of the order dated 19.02.2025 passed by the Hon'ble Supreme Court of India in Civil Appeal no. 2672/2024. Vide order dated 21.06.2026 the said amount through a cheque bearing no. 741616 dated 21.05.2025 was received and kept in safe custody.

From the order no. 21 dated 18.04.2026, it appears that this Court observed that the petition under Order 1 Rule 10(2) of CPC filed by Sunil Anchalia is yet to be determined. This Court observed that the prayer for releasing of 50% of the compensation was pre-mature at this stage and was accordingly rejected on contest. On 10.01.2025 Sunil Anchalia and others made a petition under Order 1 Rule 10(2) of CPC and the same was fixed for hearing. It appears from the order no. 22 dated 13.05.2026 that the Hon'ble Supreme Court of India vide order dated 25.04.2026 passed in SLP(Civil) Diary no. 20465/2026 was pleased to direct that the District Judge, Birbhum shall first consider the application for intervention filed by the petitioner in terms of the liberty granted by the Hon'ble Court in para 7 of the order dated 30.08.2024 and thereafter proceed to hear the application filed by the respondents no.1 to 4, by giving due opportunity by hearing all the parties afresh. On 06.06.2026 the said petition for addition of party by Sunil Anchalia was fixed and after hearing all sides 04.07.2026 was slated for hearing of petition dated 10.01.2025.

Therefore, it is crystal clear that as per direction of the Hon'ble Court vide order dated 30.08.2025, the application by Sunil Anchalia and others under Order 1 Rule 10(2) of CPC was required to be heard before all other matters. However, on 23.06.2026 the original respondents no.1 to 4,

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Narendra Kumar Anchalia and others, by way of put up submitted a petition / application praying for an order for disbursement of the 25% of the deposited money in favour of the said original respondents in obedience to the order of the Hon'ble Supreme Court of India passed on 15.06.2026 in Civil Appeal no. 2672/2024.

The directions of the Hon'ble Supreme Court of India in M.A no. 1429/2024 in Civil Appeal no. 2672/2024 is quoted below :-

*“(i) The Reference Court is directed to release 25% of the deposited amount in favour of the original respondents, including Narendra Kumar Anchalia, within one week. This release shall be subject to his furnishing an undertaking on affidavit that after the adjudication of the apportionment / title suit, the excess amount, if any, shall be refunded along with interest, as may be determined by the Court. Such undertaking shall be furnished before the Reference Court; (ii) The Reference Court is directed to keep the balance amount in a Fixed Deposit in a Nationalised Bank, which would fetch the maximum rate of interest; (iii) The Reference Court is further directed to decide the inter se apportionment / title dispute between the parties as early as possible and preferably within three weeks. The disbursement of the balance amount shall depend upon the outcome of those proceedings.”*

In view of the Hon'ble Court's order, it is crystal clear that the Hon'ble Court was pleased to direct this Court being the Reference Court to release 25% of the deposited amount in favour of the original respondents, including

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Narendra Kumar Anchalia, subject to furnish of undertaking on affidavit. The said original respondents has filed an undertaking on affidavit to that effect as per direction of the Hon'ble Supreme Court of India.

The Ld. Advocate for the added respondents no. 7, 8 & 9 / Sunil Anchalia and two others (petitioners in Misc. Case no. 109/2024), has argued that the Reference Court is also directed to decide *inter se* apportionment / title dispute between the parties as early as possible and therefore, in the context of the petition dated 23.06.2023 it is necessary to decide that the original respondents have no right or locus standi to claim the compensation Award or any part thereof. The Ld. Advocate has argued to show that the property in respect of the disputed plot no. 5062 previously 3049/4176 originally measuring about 54 decimals belonged to *HUF* of Rupchand, ancestor of the parties, and as such, the said property belonged to all the legal heirs of Rupchand. Ld. Advocate has submitted that Jitmal, one of the five sons of said Rupchand, and predecessor-in-interest and the original respondents no.1 to 4 had sold out 20 decimals of land in a proceeding before the Hon'ble High Court wherein he has admitted that the property was belonged to him and as such, even if he had any share in the said plot, his share therein has been sold out as per his admission.

Referring to the said copy of order, Ld. Advocate for Sunil Anchalia and others has further argued that firstly the disputed property which was acquired by the State before the *HUF* and it was never an exclusive property of the original respondents and secondly, even if it is argued that the original respondents were also members of the said *HUF* then also their shares have

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been sold out as they preferred to retain the property in Kolkata and sell out the property at Sainthia. It has been argued by the Ld. Advocate for Sunil Anchalia that the original respondents have no share in the disputed property and therefore, they have no right to claim the awarded amount.

Upon perusal of the case record, it is more than clear that the sole arbitrator was pleased to pass the Award which was challenged by the State of West Bengal. Whatever be the fate of the Award, the Hon'ble Supreme Court of India was pleased to issue certain clear directions vide orders dated 30.08.2025 & 15.06.2026. All the parties were present before the Hon'ble Supreme Court of India and having considered their submissions, the Hon'ble Apex Court was pleased to clearly direct that 25% of the deposited money should immediately be paid to the original respondents namely Narendra Kumar Anchalia and others.

The nature of the dispute with regard to the exact nature of property, a portion of which has been admittedly acquired by the State of West Bengal, and the dispute with regard to the question of inheritance among the different co-sharers of the family of Anchalias can only be decided conclusively in an appropriate proceeding by a competent Court of law having such jurisdiction. In this matter, emerging out of an application under section 34 of the Arbitration Conciliation Act, it is difficult to arrive at any final finding on such issues. However, in view of the directions of the Hon'ble Supreme Court as discussed herein above it is found that the dispute relating to title and other disputes which are relevant for the purpose of deciding the validity and legality of the Award passed by the arbitrator requires a detailed hearing

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and at this stage it is found that there should be no impediment in disbursing the amount to the extent of 25% as directed by the Hon'ble Court vide its order dated 15.06.2026. The said direction has been given after considering the submission made by all the sides. Only a part of the awarded amount i.e. 25% of Rs.10,53,38,000/- has been directed to be disbursed and released in favour of the original respondents and taking into consideration the objections raised by the added respondents Sunil Anchalia and others, this Court observes that the amount may be disbursed as per direction of the Hon'ble Court and the added respondents are not likely to suffer any prejudice by such release. 75% of the amount will still remain deposited in the Court and will be invested in a Nationalized Bank fetching interest thereof and therefore, other co-sharers of the property, in the event of succeeding in their claim over the acquired property can extract their share in the compensation later.

All the family members are yet to come to the surface. Two more applications under Order 1 Rule 10(2) CPC have been filed, one by Puspa Devi Anchalia and others and the other one by Lalit Anchalia and another it shows that they will also have something to say in the event they are also added in this Misc. Case no. 97/2024 under section 34 as respondents.

However, at this stage while dealing with the petition dated 23.06.2026 it is not necessary to consider the said applications under Order 1 Rule 10(2) of CPC and the endeavor should be made to comply with the solemn order of the Hon'ble Supreme Court of India.

The Ld. Counsel for Sunil Anchalia and two others, the added

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respondents no.7, 8 & 9 has argued extensively to urge that the acquired land never belonged to the original respondents (Narendra Kumar Anchalia and others) which is evident from several documents including the order of BR Case no.334/1972-1973, the order of the Hon'ble Calcutta High Court in EC 4 of 2001 / GA no. 4162 of 2003 with AP no. 465 of 1998. It has been argued that the acquired property did not belong to the original respondents which was clearly admitted by the predecessor-in-interest of the said original respondents herein and the property belonged to the family of Anchalias for which all the parties, the legal heirs of Lt. Rupchand Anchalia, who owned the subject property along with other properties, are entitled to their respective share in the subject property. It has been argued that there is a need for apportionment of the awarded amount and at this stage the original respondents cannot claim to receive 25% of the arbitral Award. The petition dated 23.06.2026 is therefore liable to be dismissed.

Two sets of applicants who have separately filed application under Order 1 Rule 10(2) of CPC on 04.07.2026 also participated in the hearing and supported the submission made by the Ld. Counsel for added respondents no. 7, 8 & 9. It is contended that Rupchand Anchalia owned the estate including the subject property and was survived by five sons. It is argued that they were all co-sharers of a Hindu Undivided Family and therefore, the title disputes and *inter se* disputes regarding apportionment should be adjudicated before disbursement is made.

The Ld. Counsel for the State has verbally made a prayer for granting time to the petitioner submitting that in the event of disbursement being made

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to the original respondents, the Misc. Case no. 97/2024 under section 34 will become infructuous.

The Ld. Advocate for the original respondents has submitted that for expeditious compliance of the Hon'ble Supreme Court's order, an order should be passed for release of 25% of the deposited amount in accordance with the solemn order dated 15.06.2026. It is pointed out that the said original respondents have filed the required affidavit of undertaking and as such, the petition dated 23.06.2026 should be allowed. A petition under section 151 of CPC has been made by them in which the same submission has been reiterated.

After giving a thoughtful consideration to the submission made by all sides as noted herein above, it is found that the order of the Hon'ble Supreme Court of India in Miscellaneous Application no. 1429/2024 is absolutely clear and there is no reason to argue on the point of disbursement of 25% of the deposited amount in favour of the original respondents. It is true that there exists *inter se* dispute regarding apportionment and the Hon'ble Court was pleased to direct the Reference Court to decide such disputes including title dispute between the parties at the earliest but the order clearly says that the Reference Court shall release 25% of the deposited amount. The solemn order clearly speaks that such release shall be subject to furnishing and undertaking on affidavit by the original respondents. It is also directed by the Hon'ble Court that the balance amount will be kept in a fixed deposit in a nationalized bank which would fetch the maximum rate of interest.

Therefore, there is no doubt or confusion that the Hon'ble Court's

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direction speaks about disbursement of 25% of the deposited amount to the original respondents and it implies that the petition dated 23.06.2026 is entitled to be allowed.

As regards the disputes relating to apportionment and / or relating to title, it is directed that the same will have to be decided as early as possible. Therefore, all the parties interested in the matter, including the applicants who also claim to be co-owners in respect of the subject property and claim to be co-sharers of the alleged Hindu Undivided Family, will have liberty to present their claim as laid down by the Hon'ble Court in its order dated 15.06.2026.

After thoughtful analysis of the submission made by the Ld. Advocates, it may be stated that the contention of the added respondents and other applicants is not acceptable at this stage. It will not be correct to say that the original respondents are not entitled to receive the 25% of the amount and as such, the petition dated 23.06.2026 along with the petition under section 151 of CPC dated 09.07.2026 should be rejected. In other words, after careful consideration, it appears that the prayer made by the original respondents is obedience to the solemn order of the Hon'ble Supreme Court should be allowed. It is to be noted that an undertaking on affidavit has been furnished by the said respondents as per the order dated 15.06.2026 and upon perusal, it is found that the respondents have complied with the requirement of furnishing the necessary undertaking.

Hence, the petition dated 23.06.2026 made by the original respondents, Narendra Kumar Anchalia and three others is allowed on contest.

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The petition under section 151 of CPC also stands disposed of.

Accordingly, let 25% of the deposited amount i.e. Rs.2,63,34,500/- ( ¼ of Rs.10,53,38,000/-) be released in favour of the original respondents namely Narendra Kumar Anchalia / respondent no.1, Chandra Anchalia / respondent no.2, Himangshu Anchalia / respondent no.3 and Kusum Chopda / respondent no.4.

Accordingly, the Head Accountant, District Judge's Court, Suri, Birbhum is directed to disburse the said amount of Rs.2,63,34,500/- to the afore-named original respondents after observing necessary formalities.

The original respondents are directed to take steps.

Let a date be fixed for passing further order with respect to the directions for keeping the balance amount in a Nationalized Bank.

To **17.07.2026** for further order and for hearing of two applications under Order 1 Rule 10(2) of CPC.

Dictated & Corrected by me.

**District Judge, Birbhum.**

**District Judge, Birbhum.**  
(JO Code-WB00399)