

COMMERCIAL COURT AT ASANSOL
Present : Sri Chiranjib Bhattacharya (JO Code :00718)
Judge, Commercial Court, Asansol (In-Charge)

Miscellaneous Arbitration (Commercial) 12 of 2025

CNR No. :WBBD17-000041-2025

Order No.04

28.08.2025

Record is taken up for hearing of the petition filed by OP No.2 namely Mr. Sanu Roy.

Ld. Advocate for the petitioner as well as Ld. Advocate for OP No.2 are present.

It has been submitted by Ld. Advocate for OP No.2 that the receiver appointed by this court by order dated 04.08.2025 intends to visit and hold inspection today at about 3:00 p.m without serving any notice upon the opposite party. He further submits that such conduct casts a shadow of doubt over the impartiality of the receiver and therefore, the order dated 04.08.2025 must be set aside.

Ld. Advocate for the petitioner while opposing the contention submitted that the receiver has only been entrusted with measurement of the quantity of oil and that will not cause any harm to the interest of the petitioner but if the measurement is not done today, there is every possibility to manipulate the quantity of oil in the tank.

Considered the submission of both sides.

In the present case the receiver was appointed only to measure the quantity of oil present in the underground reservoir for proper adjudication of the rival contentions of the parties. In my opinion, mere measurement of oil will not adversely affect the interest of any party and the said order need not be set aside, accordingly, the prayer is rejected. However, as the OP No.2 claims that no notice was served upon him, although he has appeared before this court today, he is given liberty to be present at the time of measurement and, if necessary, video record the process at his own cost.

Receiver is also directed to complete his work in presence of the parties or their Ld. Advocates, who wants to remain present during such measurement.

A copy of this order be handed over to Ld. Advocates for both parties.

To date (10.09.2025).

Dict. & Corr. By me :

Judge, Commercial Court
Asansol (In-Charge)

Judge, Commercial Court
Asansol (In-Charge)