

Present: Smt. Sutanuka Nag, Judge, Bench-V (in-charge),
City Civil Court, Calcutta, (Jo Code:- WB01248)

Tata Capital Limited

----- Petitioner

- Versus -

1. SKYWAY ROADLINES PRIVATE LIMITED

2. KAILASH CHAND

3. Hansraj Yadav

----- Respondents

Order No. 02 //Dated-27.03.2026

Petitioner files hazira.

Today is fixed for S/R and A/D.

Ld. Advocate for the Petitioner moved the application under Section 9 of the Arbitration and Conciliation Act, 1996 for default of payment.

From the office report it appears that no caveat has been filed till date.

Perused the petition supported by an Affidavit and the documents annexed thereto.

At the time of hearing, Ld. Advocate for the Petitioner prays for appointment of Receiver in respect of **motor vehicle, AL 4923 TT, bearing Registration No.RJ32GC2096, Engine No.JXHZ446903 and Chassis No.MB1UPKHDXJRXZ8481.**

Perused the copy of the Loan Agreement, Demand Notice and other documents.

It appears from the Agreement that all differences, disputes are to be referred to an Arbitrator appointed by the Petitioner. In this case, the Arbitrator is not appointed by the Petitioner in terms of the relevant Agreement. It is revealed from the application filed by the Petitioner that the Respondents took loan of Rs.31,17,772/- from the Petitioner and despite several reminders the Respondents did not pay the amount as per agreement and a total sum of Rs.1,39,739.97/- has become due and a Demand Notice dated 30.10.2025 was also sent to the Respondents on 03.11.2025 calling upon them to pay the said sum of Rs.1,39,739.97/- together with interest within a period of 07 days and till date the Respondents did not pay anything to the Petitioner and the Respondents is still plying the vehicle and even after that the Petitioner is ready and willing to settle the dispute between the parties through Arbitration and also submitted that the Petitioner has come to know from reliable source that the Respondents are in the process of making third party interest in the vehicle and as such this Court is inclined to allow the prayer of the Petitioner on condition that the Petitioner shall refer the matter to the Arbitrator within 90 days from the date of this Order, in view of Section 9 (2) of the Arbitration and Conciliation Act, 1996, as amended till date, and in default, this Order shall stand automatically vacated.

Accordingly, **Subrata Santra - [Enrollment No. WB/729/1998 // Mob No. 9748357832],**

2
Misc. Case No. 2883 of 2026

be appointed as Receiver for the purpose of taking possession of **motor vehicle, AL 4923 TT, bearing Registration No.RJ32GC2096, Engine No.JXHZ446903 and Chassis No.MB1UPKHDXJRXZ8481.**

The Receiver is authorized to take all necessary steps in accordance with law, including appointment of agent. The Police authority of the nearby Police Stations or the Superintendent of Police, under the jurisdiction of whom the vehicle in question is intercepted, would render assistance as is required lawfully by the Receiver, if at all necessary, who shall submit the Report before this Court.

So long the vehicle in question shall remain in the custody of the Receiver or his authorised agent, the Receiver shall remain responsible for any loss and damage, if any, caused to the said vehicle in question.

Ld. Receiver shall not indulge in handing over the vehicle in question to any person or Associate of the Petitioner Company and shall produce the vehicle before the Court as and when directed and if any information is received to that effect from any corner, the Ld. Receiver shall be held responsible for the same.

It is specifically mentioned that if there is any restraining order relating to the subject vehicle in question by any Court of law prior to passing of this order then this order will stand automatically vacated.

The fee of the Receiver is fixed at **Rs. 6,000/-**.

The Petitioner is directed to make payment to the Receiver directly and submit the receipt with the Court.

Issue writ accordingly on payment of the Receiver's fee.

The Petitioner is directed to submit papers by the next date fixed, showing that the Arbitration proceeding has commenced, in default, the above Order shall stand vacated.

Issue notice upon the Respondents, to show cause within 15 (fifteen) days from the date of receipt thereof.

D.A. is directed to intimate the Ld. Receiver regarding his appointment.

Let a copy of this Order and Writ be handed over to the Ld. Receiver and D.A. to acquire the signature of the Ld. Receiver beside the Writ and the Order Sheet for information and necessary compliance.

Fix **10.06.2026** for S/R and submission of the report by the Receiver.

Requisites at once. Petitioner is given strict direction to comply with the order.

Dictated & corrected by me,

Sd/- Sutanuka Nag
Judge, Bench-V (in-charge)
City Civil Court, Calcutta

Sd/- Sutanuka Nag
Judge, Bench-V (in-charge)
City Civil Court, Calcutta