

Misc. Case No.3033 of 2026
CNR No.WBCC 01-004524-2026
Present: Ataur Rahman, Judge, Bench-IV
J.O. Code: WB00700

Order No.03
07.04.2026

The record is put up on the strength of put up petition filed by the Ld. Advocate on behalf of the petitioner and also filed MO tracking report.

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

The application under Section 9 of the Arbitration and Conciliation Act,1996 is moved before this Court by the Ld. Advocate for the petitioner praying for interim order for appointment of Receiver in terms of the prayer.

The application is supported by an affidavit and some annexures.

Perused the application along with copies of the documents annexed thereto including the loan agreement.

Issue notice upon the respondents to show-cause within 20(twenty) days from the date of receipt of the same.

Heard the Ld. Advocate.

From the record it transpire that the respondents as borrowers had entire into Loan Cum Hypothecation Agreement with the petitioner to purchase a vehicle, taking financial help of the petitioner.

Ld. Advocate of the petitioner further submits that Opposite parties/respondents are defaulter in payment of regular EMI as per terms and condition of the loan agreement. Notice was also issued, but no result took place.

So it is appearing that a huge amount of money is lying due which is payable by the respondents to the petitioner in terms of the agreement executed by and between the parties thereto.

In view of the facts and circumstances stated above, there appears a strong prima facie case for appointment of Receiver for preservation of the vehicle in question. In view of urgency in the matter and the circumstances as stated, the prayer for ad-interim order for appointment of Receiver is considered and allowed for protection and preservation of the vehicle in question, on condition that the petitioner shall take immediate steps to refer the matter to an Arbitrator within 90 days from this date in terms of Section 9 of the Arbitration and Conciliation Act,1996 in default this order will be vacated automatically.

Hence, it is,

ORDERED

Accordingly, **Sukanta Mondal** an Advocate (Enrollment No. WB/1541/1999) be appointed as a Receiver for the purpose of taking possession of vehicle in respect of TATA LPT 3118 CUMMINS FBT, Vehicle No.JH09BA7704,Engine No.81B79007317 and Chassis No.MAT466323J2B53075.

The Receiver is authorized to take all necessary steps in accordance with law for

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the aforesaid purpose of taking possession of vehicle including appointment of agent and also to take police help if at all necessary from the concerned police station for the aforesaid purpose and shall make an inventory in respect of the vehicle in question in details and shall make over the copies thereof to the parties and submit report before this Court on the next date fixed positively. The officer-in-charge of the concerned P.S is requested to render all lawful assistance to the Receiver for implementation of the order.

So long as the vehicle in question shall remain in custody of Receiver, he/she shall remain responsible for any loss or damage, if any, caused to the vehicle. The receiver shall not dispose of, alienate or transfer the vehicle in question and shall not change the nature and character of vehicle in question in course of his/her custody.

The remuneration of the Receiver is provisionally assessed at Rs.6000/-. The petitioner is directed to pay the said fees to the Ld. Receiver.

Let a copy of this order be handed over to the receiver for information and necessary compliance.

The petitioner is directed to file report regarding commencement of Arbitral Proceeding in view of Section 9 of Arbitration and Conciliation Act 1996 by the next date, in default, necessary order will be passed.

Issue notice upon the Opposite Parties.

Fix **17.06.2026** for S/R and submission report by the Ld. Receiver.

Requisites be filed at once.

D/C by me

Sd/-

Judge, Bench-IV
City Civil Court, Calcutta

Sd/-

Judge, Bench-IV
City Civil Court, Calcutta

