

Commercial Suit 01 of 2023
CNR: WBDJ16-000009-2025

Order No.60

Date:-13-08-2026

Today is fixed for further hearing and passing necessary order.

All parties to the suit take steps and are further duly represented by their respective Ld. Counsels.

Ld. Counsel for the plaintiffs files original affidavits of proposed receivers Mr. Inderjit Singh Oberoi & Mr. Prabhu Dayal Sharma.

Ld. Counsel prays for time to file original affidavit for proposed receiver Mr. Rishi Malhotra. Prayer for time is considered and allowed.

Ld. Counsel for defendant nos.1 & 5 files objection against all three proposed receivers. Copy of objection served. Let objection filed be kept with the case record.

No name is proposed by defendant nos.1 & 5 for possible appointment as receiver. No name is proposed by defendant nos.2, 3 & 4 as they have adopted the three names suggested by the plaintiffs.

Defendant nos.1 & 5 are hereby directed to file in court by or before the next date of hearing salary certificate of the present Manager of the Haldibari Tea Estate.

In addition to the above:

Both the plaintiffs & defendant nos.1 & 5 are hereby directed to file in court by or before the next date of hearing separate valuation reports of the disputed land, tea garden & the factory appertaining thereto (inclusive of the overhead installations & machineries).

For sake of clarity let it be mentioned herein:

- A. That the plaintiffs and defendants shall file two separate property valuation reports as mentioned above.
- B. That the plaintiffs and the defendants may agree upon any valuer to do the job on both their behalf in which case only one/agreed/joint report shall be filed. This option shall be available to the parties.
- C. That in the alternative the plaintiffs and the defendants shall be at liberty to appoint separate valuers of their choice who shall carry out the work of valuation on a particular day well-ahead of the next date of hearing so as to allow the valuer to submit her/his report in time.
- D. The work of valuation must be carried out on a single day and in the presence of a single representative from either side along with their respective valuers (i.e. 2 + 2 = 4). For this sole purpose (and no other) sole representative of the plaintiffs and their valuer shall have access to the disputed land, tea garden & the factory appertaining thereto (inclusive of the overhead installations & machineries).

E. There shall be no need for the defendants to halt/stop regular business/manufacturing & other activities of the tea garden.

F. No valuation report shall be prepared with regards to the business turnover of the defendants. No documents in that regard shall be accessed in any manner.

Let it be mentioned herein that afore-mentioned direction is being given to the adversaries in the instant litigation as a mark of assistant to the court. Hence, it is expected that both parties to the litigation shall act accordingly.

Let it be further clarified that defendant nos.2, 3 & 4 having adopted every submission of Ld. Counsel for the plaintiff with regards to appointment of a receiver (inclusive of the names of the proposed receivers), no special status is accorded to the said defendants in the aforesaid exercise. Accordingly, neither any representative nor any valuer for defendant nos.2, 3 & 4 shall be present at the disputed property on the date of valuation. Report, if any, that may be filed by the plaintiffs shall be considered to be one filed also on behalf of defendant nos.2, 3 & 4.

The valuers' report must be a reasoned one with breakup values of each component mentioned above duly supported by necessary documentary annexures.

Cost of the valuer shall be borne by the parties.

Let free of cost copies of this order to be supplied to both parties to avoid any confusion with regards to the parameters of the valuation-work on the concerned day. Copies may be supplied to the Ld. Counsels of the two parties under proper receipt.

To strictly abide by the direction of the Hon'ble Court to conclude trial of this suit within a time span of 6 months let a short date be fixed for compliance.

Fix **26.08.2026** for compliance by the plaintiffs, defendant nos.1 & 5, further hearing of receiver application, objection against proposed receivers and passing of further order.

Sd/-

(Subhadeep Ray)
Judge, Commercial Court, Siliguri
J.O. Code WB00949