

Insolvency Case No 17 of 2023
WBSP 01-

Order No.03
07..02.2023

Record is put up before me by a petition.

*Learned advocate for the creditor/petitioner submits that he has filed an application u/s 5 of the P.I. Act praying for a direction upon the Disbursing Authority i.e the Executive Engineer, Govt. of India, Ministry of Urban Development, Central Public Works Development, Office of the Executive Engineer, Kolkata Central Division-VI, PS-Shakespeare Sarani, Kolkata-700020 under whom the debtor was an employment to realize a sum of Rs. 1,85,000/- from the retirement benefit of the debtor/OP and to withhold the said amount till further order. It is submission of the Learned Advocate for the creditor/petitioner that until and unless the said direction is given to the disbursing authority under whom the debtor is employed and as the debtor retired from his service on **31.01.2023** the entire claim as reflected in the petition shall become infructuous.*

After hearing the Ld. Advocate for the Creditor/Petitioner and after going through the materials in the case record especially petition filed under section 5 of the Act, I am of the considered opinion that for the protection of the interest of the creditor as transpiring from this case, a direction can be passed upon the Disbursing Authority i.e the Executive Engineer, Govt. of India, Ministry of Urban Development, Central Public Works Development, Office of the Executive Engineer, Kolkata Central Division-VI, PS-Shakespeare Sarani, Kolkata-700020 to realize a sum of Rs. 1,85,000/-from receiving his entire retirement benefit money till realization of the entire claim of amount of Rs. 1,85,000/-and to withhold the said amount realized in the custody of the disbursing authority until the further order.

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Accordingly, the Disbursing Authority i.e the Executive Engineer, Govt. of India, Ministry of Urban Development, Central Public Works Development, Office of the Executive Engineer, Kolkata Central Division-VI, PS-Shakespeare Sarani, Kolkata-700020 is directed to file a compliance report in respect of such attachment before this Court on that date.

The application filed U/s.5 of the Act is thus disposed of accordingly.

Ld.Advocate for the petitioner files requisites. Issue summons at once.

Let a copy of this order be sent to the Disbursing Authority i.e the Executive Engineer, Govt. of India, Ministry of Urban Development, Central Public Works Development, Office of the Executive Engineer, Kolkata Central Division-VI, PS-Shakespeare Sarani, Kolkata-700020 for compliance.

*To date **15.02.2023** for SR/AD and filing of report.*

D/Corrected by me.

*S/d Rajesh Tamang
Additional District Judge*

*S/d Rajesh Tamang
Additional District Judge
3rd Court, Alipore*

Memo

Date :

Copy forwarded to the the Disbursing Authority i.e the The Executive Engineer, Govt. of India, Ministry of Urban Development, Central Public Works Development, Office of the Executive Engineer, Kolkata Central Division-VI, PS-Shakespeare Sarani, Kolkata-700020, for compliance.

*Additional District Judge,
3rd Court,Alipore.*

Contd....Order No. 03 dated 07.02.2023