

Insolvency Case no. 66 of 2025
(CNR: WBSP01-006820-2025)

Order No.04 dated 01.08.2025:

Today is the date fixed for hearing the petition u/s 5 read with Section 21 of the Provincial Insolvency Act, 1920.

Petitioner files hazira.

Heard Ld. Advocate.

The petition under Section 5 read with Section 21 of the Provincial Insolvency Act is taken up for hearing. It is submitted by the petitioner that the debtor/O.P. had executed two promissory notes in favour of the creditor / petitioner and on 12.11.2023 and 24.04.2024 received a sum of Rs.4,00,000/- only as an accommodation loan without any interest with a further promise to repay the same. The O.P., however, failed to repay the loan after expiry of the period as mentioned above even after repeated demand. Now, the petitioner has stated that opposite party took voluntarily retirement on 31.03.2025. The petitioner due to good reason believes that the O.P. may leave the local jurisdiction of the Court anytime by depriving him of the money. The creditor / petitioner has been able to ascertain that an amount of Rs.4,00,000/- is likely to be paid by the disbursing authority, the employer of the O.P. no.1 i.e., Deputy General Manager and Pay Roll Treasury Officer, CESC Ltd, 1, Chowranghee Square, Victoria House under Hare Street P.S, Kolkata-700001 and the petitioner prays for passing an order to realize a sum of Rs. 4,00,000/- from the retirement benefit of the debtor/O.P. no.-1 till realization of the creditor /petitioner's claim and to withhold the realized amount in his custody till disposal of this case.

I find from the promissory notes that on 12.11.2023 and 24.04.2024 the debtor/opposite party no.1 has borrowed an amount of Rs.4,00,000/- as an accommodation loan without any interest with a further promise to repay the same without interest in favour of the creditor / petitioner.

Considering all, hence, it is,

o r d e r e d

that the petition dated 16.05.2025 under Section 5 read with Section 21 of the Provincial Insolvency Act is allowed.

The Opposite Party no.2 being the disbursing authority, i.e., Deputy General Manager and Pay Roll Treasury Officer, CESC Ltd, 1, Chowranghee Square, Victoria House under Hare Street P.S, Kolkata-700001 is directed to withhold an amount of Rs.4,00,000/- from the retirement benefits of the opposite party no.1 Chandi Mahato excluding Provident Fund and Gratuity.

Let a copy of this order be sent to Deputy General Manager and Pay Roll Treasury Officer, CESC Ltd, 1, Chowranghee Square, Victoria House under Hare Street P.S, Kolkata-700001 for information and necessary compliance.

Petitioner to file requisites for service of notice.

To date i.e. 17.12.2025 for appearance and S/R.

Dictated and corrected by me

Additional District Judge
3rd Court, Alipore

Additional District Judge
3rd Court, Alipore

Memo No.

Date-

Let a copy of this order be sent to the Deputy General Manager and Pay Roll Treasury Officer, CESC Ltd, 1, Chowranghee Square, Victoria House under Hare Street P.S, Kolkata-700001 for information.

Additional District Judge
3rd Court, Alipore