

**Insolvency Case No. 128 of 2024**  
**CNR WBSP01- 010879 -2024**

**Order No.03, dated 04.09.2024**

Today is fixed for appearance and hearing.

The creditor/ petitioner files hajira.

The Ld. Counsel for the petitioner prays for moving the application for passing order under Section 5 of the Provincial Insolvency Act, 1920.

The petition under section 5 of the Provincial Insolvency Act, 1920 is taken up for hearing. It is submitted by the petitioner that the debtor/O.P. had executed a promissory note in favour of the petitioner on 14.02.2022 and received a sum of Rs. 2,50,000/- and had again executed another promissory note in favour of the petitioner on 19.09.2022 and received another sum of Rs.2,50,000/- as accommodation loan without any interest with a further promise to repay the total loan amount i.e. a sum of Rs.5,00,000/- within six months from the date of receiving the loan amounts. The O.P. however failed to repay the loan after expiry of the period of six months even after repeated demand and in spite of receipt of the demand notice he deliberately suspended the payment in favour of the petitioner. Now, 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. He receives a sum of Rs. 35,000/- per month as salary through his disbursing authority i.e, The Deputy General Manager, Pay Roll, Treasury Officer, C.E.S.C. Ltd., Victoria House, Chowringhee Square, Kolkata-700 001 and the petitioner prays for passing an order to realize a sum of Rs.10,000/- per month from the monthly salary of the debtor till realization of the petitioner's claim and to withhold the realized amount in his custody till disposal of this case.

Heard. Perused through the record and the documents.

Section 5 of the Provincial Insolvency Act is based on the principles of the C.P.Code governing protective temporary orders to prevent injury to the plaintiff, however, without the presence of the debtor and hearing him, I do not feel it justified to pass any order restricting any portion of his salary.

Hence, the debtor/O.P. is thus directed to show cause as to why an order u/s. 5 of the Act shall not be passed in favour of the petitioner.

Issue notice accordingly.

To **16.12.2024** for S/R, A/D.

Dictated and corrected by me

Additional District Judge  
3<sup>rd</sup> Court Alipore

Additional District Judge  
3<sup>rd</sup> Court Alipore

