

GAHC010216112025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/3216/2025

SOMNATH CHATTERJEE
S/O. LT. TARINI CHARAN CHATTARJEE, R/O. GC-77, SALT LAKE, SECTOR-II,
KOLKATA-700096, WEST BENGAL

VERSUS

B AND A LIMITED AND 2 ORS.
AN EXISTING CO. WITHIN THE MEANING OF THE COMPANIES ACT, 2013
HAVING ITS REGD. OFFICE PREVIOUSLY AT INDU BHAVAN, MAHATMA
GANDHI ROAD, JORHAT-785001, ASSAM AND PRESENTLY AT VILL.-
GARIABABI, CHIRANG, MOUZA KHANGIA, DIST. JORHAT, ASSAM, PIN-
785006.

2:SHARMILA VIJAY SHETTY
RESIDING AT B-32
TURF VIEW
SETH MOTILAL SINGHI MARG
MUMBAI-400018.

3:HDFC BANK LTD.
CARRING ON BUISNESS
INTER ALIA FROM 11
U.N. BRAHMACHAL STREET
KOLKATA-700017
WEST BENGA

Advocate for the Petitioner : MR. W SHARMA, MR. A K SAHEWALLA,MR P GOGOI,S
SENGUPTA

Advocate for the Respondent : , K BHARALI,MR B KAUSHIK,MR. S HAZARIKA,FOR
CAVEATOR

Linked Case : FAO/62/2025

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Advocate for : MR. W SHARMA
Advocate for : MR. P BORAH appearing for B AND A LIMITED AND 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

19.11.2025

- 1.** Heard Mr. R. Banerjee, learned counsel assisted by Mr. A.K. Sahewalla, learned counsel for the applicant. Also heard Mr. S. Hazarika, learned counsel for the respondent no.2 as well as Mr. R. Choudhury, learned counsel for the respondent no.3.
- 2.** Mr. R. Choudhury, learned counsel for the respondent no.3, who submits that he has instructions to appear for respondent no.3 and would be filing his vakalatnama very soon.
- 3.** The learned counsel for the respondent no.2 has prayed for a short accommodation on the ground of personal difficulty of the conducting counsel for the respondent no.2.
- 4.** The learned counsel for the respondent no.2 further submits that the leading senior counsel for the respondent no.2 is on legs in a different court and therefore, his prayer for adjournment may be allowed.
- 5.** On the other hand, the learned counsel for the applicant submits that in that event, the interim order granted on 24.09.2025 shall have to be extended, however, he points out regarding the typographical mistake in the said order.
- 6.** The learned counsel for the applicant submits that in the

second last line of the said order number of equity shares mentioned as "8,16,918" instead of "8,61,918" and same shall have to be rectified.

7. The learned counsel for the applicant further submits that in spite of order dated 24.09.2025 of this Court restraining the respondent no.2 from transferring the equity shares of B & A Limited Company, which are lying with the respondent no.3, the respondent no.2 has committed contempt of Court by violating the directions of this Court and has transferred the shares.

8. The learned counsel for the applicant further submits that under such circumstances, the respondent no.3 may be directed to re-transfer the same to the estate of the deceased Mr. H.P. Barooah.

9. After considering the submissions of learned counsel for both sides, the prayer made by the learned counsel for respondent no.2 for short accommodation is allowed.

10. The figure of equity shares mentioned in order dated 24.09.2025 passed by this Court in this interlocutory application shall be read as "8,61,918" instead of "8,16,918".

11. As regards the allegations of violation of the restrain order passed by this Court, the applicant may bring the same on record by filing appropriate application.

- 12.** The interim order dated 24.09.2025 shall continue till the next date.
- 13.** The respondent no.2 and respondent no.3 are allowed to file written objection, if any before the next date fixed.
- 14.** List the matter again on 09.12.2025.

JUDGE

Comparing Assistant