

Item- 31. 18-09-2025

sg

Ct. 1

**FMAT 385 of 2025
CAN 1 of 2025**

Reliance Industrial Consortium Ltd.
Versus
Tata Chemicals Ltd.

Mr. Anil Choudhury
Mr. Pranit Bag
Ms. Amani Uayan
Md. Shah Minhajuddin

...for the petitioner

Mr. Lokenath Chatterjee
Mr. Jaydeb Ghorai
Mr. Altamash Alim
Mr. Diptesh Ghorai

...for the respondent

1. The appellant is the applicant in an execution proceeding initiated by the plaintiff Tata Chemicals Ltd., against Arun Kundu for realization of a sum of Rs.18.27 lakh approximately, as on 22nd December, 2011. In the said execution proceeding, amongst various reliefs, a prayer for attachment of the property in question was prayed for and the Executing Court is yet to take a decision on that.
2. The applicant is a company and it is claimed that the said company is in actual physical possession of the property in question on the basis of an Agreement for Sale in its favour by Arun Kundu in 2007. However, admittedly, no agreement was disclosed in the said application.
3. A sum of Rs.10,00,000/- out of an alleged agreed consideration of Rs.18,00,000/-, claimed to have been paid to Arun Kundu and on failure of Arun Kundu to execute a deed of conveyance in their favour in respect of the portion of the property presently under occupation of

the appellant, a suit for specific performance was filed in 2008 being O.S. No. 206 of 2008.

4. Mr. Pranit Bag, learned Counsel appearing on behalf of the appellant, has submitted that trial in the suit for specific performance has commenced.
5. In order to show bona fide, the appellant shall deposit a sum of Rs.10,00,000/- with the learned Registrar General on or before 26th September, 2025.
6. Upon such deposit being made, the learned Registrar General shall invest the said amount in a short term fixed deposit account with any nationalized bank yielding highest return initially, for a period of one year to be renewed for identical period, in the event the appeal is not disposed in the meantime.
7. There shall be an unconditional stay of operation of the impugned order till 26th September, 2025 and in the event the said amount is deposited, the interim order shall continue till the disposal of the appeal.
8. This order shall not prevent the decree-holder to proceed with the execution of the decree in respect of other movable and immovable properties for realizing its decretal dues.
9. The appellant is directed to add Mr. Arun Kundu as a respondent no.2 in the memorandum of appeal and the stay petition in course of the day.
10. The department is directed to serve copies of the amended memorandum of appeal and the stay petition upon Mr. Arun Kundu by speed post with acknowledgement due within one week from date.

11. The appellant is directed to file requisite number informal paper books incorporating all the papers used before the trial court – printed, typewritten or cyclostyled with proper index – as the case may be, out of Court on or before 15th November, 2025 upon prior service to the respondents.
12. Since the respondent no.1 is represented, service of notice of appeal upon the respondent no.1 is waived by Mr. Jaydeb Ghorai, learned Counsel for the respondent no.1.
13. However, notice of appeal shall be served upon the respondent no.2 by the department.
14. The appellant shall deposit the requisite and postal costs for effecting service of notice of appeal and amended copies of memorandum of appeal and the stay petition upon the respondent no.2 with the department in course of this week.
15. CAN 1 of 2025, is, accordingly, disposed of.
16. Liberty to mention after the appeal is ready.

[Soumen Sen, C.J. (Acting)]

(Raja Basu Chowdhury, J.)