

ORDER SHEET
IA NO.CA/167/2023
In
CP/2/1987
IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF:
BARANAGORE JUTE FACTORY PLC
AND
CHAITAN CHOWDHURY
VS
THE O/L

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 17th August, 2023.

Appearance:
Mr. Abhrajit Mitra, Sr. Adv.
Mr. Sarvapriya Mukherjee, Adv.
Mr. Yasho Vardhan Kochhar, Adv.
Mr. Aniruddha Agarwalla, Adv.
Ms. P. Garain, Adv.
...for the Baranagore Jute Factory PLC

Mrs. Manju Bhuteria, Adv.
...for the Official Liquidator

Mr. Jishnu Saha, Sr. Adv.
Mr. S. Sarkar, Adv.
Mr. Subhrangsu Ganguly, Adv.
...for Yashdeep Trexim Pvt. Ltd.

Mr. Krishnaraj Thaker, Adv.
Mr. Joydeb Ghorai, Adv.
Mr. Suman Chatterjee, Adv.
Mr. Diptesh Ghorai, Adv.
...for the Baranagore Jute Factory PLC Mazdoor Sangha

Mr. Anirban Ray, Adv.
Mr. Prasanta Naskar, Adv.
...for Namokar Vinimay Pvt. Ltd.

*Mr. Shiv Chandra Prasad, Adv.
...for the P.F. Authorities*

*Mr. Reetobroto Mitra, Adv.
Mr. D. Surana, Adv.
Mr. B. Jain, Adv.
...for S.B. Overseas Pvt. Ltd.*

*Mr. Aditya Kanodia, Adv.
...for K.M. Tapuria*

*Ms. Jyoti Singh, Adv.
Mr. Asif Hussain, Adv.
...for Andamaan Plantation &
Development Corporation Pvt. Ltd.*

*Mr. Ashis Kumar Mukherjee, Adv.
Mr. Saurabh Prasad, Adv.
...for jagadhatri Vyapaar Pvt. Ltd.*

*Mr. Arik Banerjee, Adv.
...for the Sunbio Technologies.*

*Mrs. Manju Agarwal, Adv.
Ms. Anju Manot, Adv.
...for unsecured Creditors*

The Court: Heard counsel appearing on behalf of the parties. Mr. Abhrajit Mitra, senior counsel appearing on behalf of the management of the Baranagore Jute Factory Plc (in liquidation) has filed this application bearing No. IA No.CA/167/2023 seeking a right to attend all meetings of the Hon'ble Justice Bhaskar Bhattacharya, Former Chief Justice of Gujarat High Court being the One Member Committee, as appointed by this Hon'ble High Court at Calcutta. He has relied upon the judgment of the Supreme Court in this matter wherein the Supreme Court has modified the order of the Division Bench to a certain extent. The One Member Committee has been directed to carry out the audit with the help of an auditor and subsequently, the report is to be placed before the Company Court and also before the Supreme Court in a sealed cover. In the

penultimate paragraph, the Supreme Court has stated that the management of the company shall render all necessary assistance for the purpose of the conduct of the audit. Mr. Mitra relies upon the last sentence to submit that he has a right to attend the meetings of the One Member Committee. On a plain reading of the order of the Supreme Court, I am of the view that the management of the company is only required to provide necessary assistance for the purpose of conduct of the audit as and when called for by the One Member Committee. There is no direction of the Supreme Court allowing the management of the company to be present in the meetings of the One Member Committee.

Needless to mention, the One Member Committee shall be at liberty to call upon the management as and when necessary for the purpose of conduct of the audit.

In light of the above observations, IA No.CA/167/2023 is dismissed.

Since no affidavits have been used by the parties, the allegations made in the petition are deemed to be denied and disputed.

(SHEKHAR B. SARAF, J.)