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ORDER SHEET

IA No.GA 3 of 2023
In
CS 16 of 2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AMALGAMATED FUELS LIMITED
VS.
DEEPAK PURI & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 6th December, 2023.

Mr. Avinash Kankani, Mr. Sarosij Dasgupta, Mr. Suman Majumder,
Advocates for the plaintiff.

Mr. Utpal Bose, Sr. Adv., Mr. Rajarshi Dutta, Ms. Labanyasree Sinha, Ms. Atasi Sarkar,
Advocates for defendant nos. 1 and 2.
Mr. Krishnaraj Thaker, Mr. Altamash Alim, Advocates for defendant no.3.

The Court : Affidavit of service filed in Court today is taken on record.

This is an application by the defendant nos.1 and 2 in a suit for recovery of possession for depositing the sum equivalent to the last paid rent as occupational charges without prejudice to the rights and contentions of the said defendants and the plaintiff. The defendant nos.1 and 2 say that they had deposited the rent between February, 2022 and October, 2022 with the office of the Rent Controller but due to certain upgradation in the computerised system a heavy backlog of challans to be issued to the depositors like the said defendants have occurred as a result whereof the defendant nos.1 and 2 could not deposit the rent from October, 2022 onwards.

Considering the submissions made by the parties and the materials

on record, I find it just and convenient to appoint the Advocates-on-Record for the plaintiff and the defendant nos.1 and 2 as Joint Receivers without remuneration and without security to open a bank account with a nationalised bank and collect the sum equivalent to the last paid rent from the defendant nos.1 and 2 and deposit in such bank account as occupational charges without prejudice to the rights and contentions of the plaintiff and the defendant nos.1 and 2 in the instant suit. The defendant nos.1 and 2 shall also deposit the arrears that have accrued between October, 2022 and October, 2023 in the bank account through the Joint Receivers. This deposit shall be made by 5th January, 2024. So far as the current occupational charges are concerned, the defendant nos.1 and 2 shall through the Joint Receivers deposit the occupational charges for the month of October, 2023 which has fallen due and is to be paid in November, 2023. The deposit of the occupational charges for October, 2023 shall be made by 20th December, 2023. The current and the future occupational charges till the disposal of the suit or until further orders shall be deposited in the bank account to be opened by the Joint Receivers month by month by 10th of each succeeding month for which such occupational charges falls due. The money, if any, deposited in terms of this order shall be dealt with at the time of passing of the final decree. At that stage any interest on the arrears or the current and future occupational charges if payable shall also be considered

Nothing further remains to be adjudicated in this application.

The application being GA 3 of 2023 is accordingly disposed of.

Since I have not called for any affidavit, the allegations contained in the application are deemed to have not been admitted.

(ARINDAM MUKHERJEE, J.)