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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

IA NO: GA/81/2020
In CS/343/1979

SUPERINTENDENCE COMPANY OF INDIA (P) LTD.
Versus
WESTERN BUILDING CORPORATION

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 29th June, 2021

Appearance:

Mr. Aniruddha Mitra, Adv.

Mr. Priyankar Saha, Adv.

...for the petitioner

Mr. Rajdeep Bhattacharya, Adv.

...for the respondent

The Court : By an order dated 3rd November, 2020, the petitioner had been directed to publish the gist of the prayers in IA NO: GA/81/2020 in "Sunday Statesman" and "Bartaman (Sunday Edition)" within five weeks from the date of the order on the specific indication that the petitioner/applicant is the owner with tenanted condition of Flat No. 4A, 4th Floor in the Everest Building at J.L. Nehru Road, Kolkata- 700 071. The direction for advertisement was given so that any person intending to oppose the petitioner's prayers would have an opportunity to appear at the time of hearing of the application. The main prayer in the application is for appointment of a Special Officer to execute and register necessary conveyance in relation to the concerned flat at

Everest Building in favour of the petitioner's nominee namely, Konsortia Construction Company Pvt. Ltd. and for taking all other necessary steps.

Learned counsel appearing for the petitioner submits that both the advertisements were duly published within the time directed by this Court and that nobody has opposed or objected pursuant to the advertisements. The defendant no. 10, who has changed its name from Everest Apartment Limited to Everest Owners Association, is represented and submits that the defendant no. 10 does not have any objection to the prayers in the application.

The affidavit of service has been filed in Court is stating that no objection has been received.

Upon considering the relevant documents including the agreement for sale made by Western Building Corporation in favour of the petitioner herein in respect of Flat No. 4A, 4th Floor in the Everest Building at J.L. Nehru Road, Kolkata- 700 071, it appears that the petitioner had been put in possession of said flat after payment of the entire consideration money to the respondent no. 1. As no objection has been received from anyone pursuant to the provisions made in the "Sunday Statesman" and "Bartaman (Sunday Edition)", this Court does not see any difficulty in passing an order in favour of the applicant.

There shall accordingly be an order in terms of prayer (b) namely that Special Officer will be appointed to execute and register necessary conveyance deed for the concerned plot and other spaces included in prayer (b) with tenanted condition in favour of the petitioner's nominee namely Konsortia Construction Private Limited with the bank as the Confirming Party and for taking all other necessary steps.

Mr. Soumyajyoti Das of the Bar Library Club is appointed as the Special Officer to take necessary steps as indicated above and register the deed of conveyance in favour of the petitioner's nominee in which the petitioner shall be the Confirming Party. The petitioner will bear the remuneration to the Special officer which is assessed at Rs. 50,000/- and all necessary expenses for travel and any other form of assistance. The execution of the deed of conveyance shall be completed within 30th September, 2021. The Special Officer shall stand discharged upon execution of the deed of conveyance. IA NO. GA/81/2020 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)