

OD-136

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

IA NO. CA/20/2014 (Old No:CA/566/2014)
In CP/316/1981

KOLAY BISCUIT CO. PVT.LTD. (IN LIQN.)

-AND-

KOLAY PROPERTIES PVT LTD.

-VS-

O.L, H.C. CAL. & ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 3rd October , 2024

Appearance:

Mr. Debashis Kundu, Adv.

Mr. Indranil Nandi, Adv.

Mr. Sayak Konar, Adv.

...for the applicant

Mr. Ashis Kr. Mukherjee, Adv.

...for the Sumati Chand Dakalia

Ms. Rashmi Singhee, Adv.

Mr. A. Dutta, Adv.

...for the respondent no. 2

Mr. Rajiv Lall, Adv.

Ms. Debjani Mitra Neogy, Adv.

..for Official Liquidator

The Court:- The Official Liquidator files a report of the joint inspection held for the purpose of demarcation of the property in dispute. The same be kept on record. Learned senior counsel appearing for the applicant also hands over a copy of a draft map on which the applicant seeks to rely.

One of the joint Receivers, namely Mr. Ritzu Ghosal, Advocate, submits that the Receivers were appointed by orders of Court for collecting rent in respect of the entire property, which is disputed by learned senior counsel for

the applicant who submits that the appointment was only in respect of the three and half bighas of land which was the subject matter of the dispute.

Be that as it may, leave is granted to the joint Receivers to place before the Court the relevant papers relating to the accounts of collection of rent and expenses, if any, incurred by the Receivers with regard to the property. Copies of the report be circulated among all parties through their learned advocates. Copies of the map handed over today in Court by the applicant shall also be circulated by the learned advocate for the applicant among the learned advocates appearing for the other parties.

Learned counsel having instruction to appear on behalf the auction purchaser/respondent no. 2 submits that proper service was not effected on the respondent no. 2 at any point of time, for which the respondent no. 2 could not appear and contest the matter previously.

Learned counsel appearing for the Official Liquidator as well as the applicant deny the same and points out to the observations made in the previous order of this Court which records that despite service, the respondent no. 2 has been deliberately evading appearance.

Be that as it may, since the respondent is 2 is now represented through counsel, a copy of the report and the map shall also be circulated to learned counsel for the respondent no. 2.

Learned counsel for the applicant is also requested to hand over a copy of the application to the learned counsel appearing for the respondent no. 2 at the earliest.

The matter shall next be listed on November 7, 2024 for passing appropriate orders.

S.Bag

(SABYASACHI BHATTACHARYYA, J.)