

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

IA NO. CA/21/2025
In CP/316/1981
IN THE MATTER OF KOLAY BISCUIT CO. PVT.LTD. (IN LIQN.)
Vs
IN THE MATTER OF SUMATI CHAND DAKALIA -VS-OFFICIAL
LIQUIDATOR, HIGH COURT

IA NO. CA/20/2014 (Old No:CA/566/2014)
In CP/316/1981
KOLAY BISCUIT CO. PVT.LTD. (IN LIQN.)
-ANDVs
KOLAY PROPERTIES PVT LTD. -VS- O.L, H.C. CAL. & ORS.

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 28th August, 2025.

Appearance:

Mr. Sourojit Dasgupta, Adv.
Mr. Asish Kr. Mukherjee, Adv.
...for applicant in CA/21/2025.

Mr. Debashis Kundu, Sr. Adv.
Mr. Indranil Nandi, Adv.
Mr. Sayak Konar, Adv.
...for applicant in CA/20/2014.

Mr. Rajive Lal, Adv.
Ms. Debjani Mitra Neogi, Adv.
...for Official Liquidator in CA/21/2025 & CA/20/2014

The Court:-

IA NO. CA/20/2014 (Old No:CA/566/2014)

The Official Liquidator submitted a Report dated 25.02.2025 pursuant to the Order dated 22nd August, 2024 passed by the Co-ordinate Bench. This Report dated 25.02.2025 speaks of couple of things, one of which is that the auction purchaser M/s. Comsource Data System & Information Technology Private Limited neglected and failed to take steps to execute the deed of assignment within the stipulated time. Attempt was made also to demarcate the

lease-hold property of the company-in-liquidation. However, the auction purchaser neglected and failed to appear. It is further in the Report that in compliance with the Order dated 16th January, 2025, a notice was issued on 21st January, 2025 to the Joint-Receivers of Kolay Properties Private Limited and M/s. Comsource Data System & Information Technology Private Limited informing that the date of inspection was fixed on 24th January, 2025. Certain terms were agreed. However, on subsequent occasion, inspection could not be finalized and finished as particularized in the Report.

The Official Liquidator shall convene a meeting with seven days notice prior, to all the concerned including the Joint-Receivers. The Joint-Receivers on receiving such notice shall attend the meeting positively. In case of absence of any other party, the Official Liquidator and the Joint Receivers shall inspect and demarcate the property on their own without waiting for attendance or concurrence of any other party. The notice of meeting shall be accompanied by this Order to the all concerned. However, a copy of this Order may also be communicated by the Learned Counsel for the Official Liquidator to the Joint-Receivers for information.

The matter will appear in the list on 20th November, 2025 for further Report with expectation that inspection and demarcation of the property is concerned, would be completed in the meantime.

IA NO. CA/21/2025

CA/21/2025 is filed by Smt.Sumita Chand Dakalia praying for recalling of the Order dated 16th January, 2025 passed by this Court and staying of the Order dated 16th January, 2025. Mr. Dasgupta, the Learned Counsel for Smt.

Sumita Chand Dakalia submitted that M/s. Comsource Data System & Information Technology Private Limited being the auction purchaser was provided with money for purchase by several persons, one of whom being the petitioner - Smt. Sumita Chand Dakalia. It is submitted further that Civil litigations are pending between Smt. Sumita Chand Dakalia, M/s. Comsource Data System & Information Technology Private Limited and other parties touching upon the property.

In view of such situation, Mr. Dasgupta submitted that demarcation and handing over may be stayed for the time being.

I have heard Mr. Dasgupta.

The matter is pending for long. Without prejudice to the right of his client or other person who claimed to have financed the auction purchase, inspection and demarcation may be made.

However, for the time being, there would be no Order of handing over of the property till the returnable date.

It is further made clear that before demarcation and inspection, the client of Dasgupta shall be given notice for knowledge and attendance, if any. It is further made clear that in the process of inspection and demarcation, possessory right whatever it may be, shall not be disturbed and interfered with.

(SUGATO MAJUMDAR, J.)