

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA NO. GA/2/2025
In EC/7/2025

SHILADITYA BANERJEE AND ORS.
Vs
THE STATE OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 25th September, 2025.

Appearance:

Mr. Pranit Bag, Adv.
Mr. Ramanuj Roy Chowdhuri, Adv
...for the decree-holder No.3

Mr. Paritosh Sinha, Adv.
Mr. Arindam Mandal, Adv.
Ms. Swagata Ghosh, Adv.
Mr. Rajarshi Dutta, Adv.(vc)
...for the respondent

The Court: Learned Advocate for the decree-holder and learned Advocate for the judgment-debtor are present.

Heard learned Advocates for the parties.

The decree-holder No.3 Aditi Mukherjee has filed an application with a prayer that the Reserve Bank of India, B.B.D. Bagh, Kolkata be directed to permit and pay sum of INR 6,01,48,874/- or such sum as this Hon'ble Court may consider appropriate from the account allowing with the judgment-debtor/opposite party in the name of Land Acquisition Collector's Account requisition P/L A/c No. 29 by demand draft or banker's pay order or by online remittance to the bank account of the petitioner herein within such time and on such terms as this Hon'ble Court may direct. The judgment-debtor/opposite party be directed to remit the bank

account of the petitioner describe in paragraph 14 above the sum of INR 6,01,48,874/- or such other sum as this Hon'ble Court may consider appropriate in towards discharge of the judgment and decree dated December 2, 2024.

Learned Advocate for the decree-holder draws the attention to the Order dated 11th September, 2025 passed in this execution case where it was observed that with regard to decree-holder no.3/the present petitioner the Reserve Bank of India shall keep separately Rs.6,01,48,874/- in a separate account and shall not operate the said account without the leave of the Court. As technical point was raised by the judgment-debtor that the decree-holder is not a party to this execution case, liberty was granted to the decree-holder no.3 to take out a formal application with regard to the direction of payment. Thus, this application is taken out.

Learned Advocate for the decree-holder no.3 submits that as his client stands in a same footing as the decree-holder Nos.1 and 4, let the necessary Orders passed with regard to his client as that was passed on 11th September, 2025 with regard to decree-holder Nos.1 and 4.

Mr. Sinha, learned Counsel for the judgment-debtor/State of West Bengal submits that an appeal is preferred against the Order dated 11th September, 2025 and the same is appearing today. Learned Counsel further submits that by allowing this application it would be allowing the execution rejecting the question of jurisdiction is raised and also calculation of the amount. As this Court by Order dated 11th September, 2025 passed an Order directing the judgment-debtor to pay Rs.6,01,48,874/- to both decree-holder nos.1 and 4 with the certain conditions and the Order was not absolute and subject to the said

condition, the present decree-holder who stands in the same footing should not be deprived to receive the decretal amount subject to certain conditions. As there is a condition that the amount will not be liquidated by the other decree-holder Nos.1 and 4, the same condition can be imposed upon this decree-holder with regard to the receipt of the amount.

Let there be an Order in terms of prayers (a) and (b) of the Master Summons dated 18th day of September, 2025. As an appeal is pending with regard to Order dated 11th September, 2025, the judgment-debtor shall release this amount after 6th October, 2025. The decree-holder upon receipt of the said sum shall keep it in a separate account of a National Bank and shall not liquidate the same. The judgment-debtor shall release the said sum after 6th October, 2025. In the event, the judgment-debtor is able to obtain an Order of stay in Appeal Court, the Order of the Hon'ble Appeal Court will be complied with. On the other hand, if no Order of stay is obtained from the Hon'ble Appeal Court the amount shall be transferred after 6th October, 2025 within a period of four days.

As this condition is imposed, there is no scope to pass any further stay of this Order as prayed for by the judgment-debtor.

Let this matter appear on 11th November, 2025.

(BISWAROOP CHOWDHURY, J.)