

OCD - 11

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/668/2024
IA NO. GA-COM/1/2024, GA-COM/2/2025

RAJ KUMAR PODDAR
Vs
AJAY KUMAR SURANA

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : April 08, 2025.

Appearance:
Mr. Ratul Das, Adv.
Mr. Ashutosh Singh, Adv.
...for the plaintiff.

Mr. Soumya Basu, Adv.
Ms. Sreejoyee Bose, Adv.
Mr. S. Ash, Adv.
... for the defendant

1. Mr. Ratul Das, learned Advocate, is appearing for the plaintiff.
2. Mr. Soumya Basu, learned Advocate, is appearing for the defendant.
3. The Registrar, Original Side has filed the report dated 3rd April, 2025 wherein it is mentioned that the department has not received any amount in terms of the order passed by this Court dated 30th August, 2024 from the defendant.
4. Counsel for the defendant submitted that as per the application filed by the plaintiff being GA-COM/2/2025, the claim of the plaintiff is only Rs.30,32,055/-. He further submitted that in terms of the interim order passed by this Court dated 26th April, 2024, an amount of Rs.32,04,129/-

which is lying in the account No.33705900667 with Standard Chartered Bank, Shakespeare Sarani Branch, Kolkata is freezed by the Bank.

5. Counsel for the plaintiff submits that the total amount due and payable by the defendant is Rs.80 lakhs and the plaintiff has filed an application being GA-COM/2/2025 for judgment on admission only with regard to the admitted amount by the defendant to the tune of Rs.30,32,055/-.

6. Counsel for the defendant has handed over the order passed by the Customs, Excise and Service Tax Appellate Tribunal, Kolkata dated 20th February, 2025, wherein the learned Tribunal has modified the order of penalty of Rs. 8 Lakhs and redemption fine of Rs. 8 lakhs instead of Rs.91,30,121/-.

7. Counsel for the defendant submits that as the Appellate Authority have modified the penalty amount as well as the redemption fine amount thus the defendant is entitled to get an amount of Rs.75,13,121/- from the office of Commissioner of Customs (Port) Kolkata.

8. Taking into consideration the order passed by the Tribunal, the Commissioner of Customs (Port) Kolkata is directed that before payment of an amount of Rs.75,13,121/- for the defendant, an amount of Rs.47,95,871/- from the total amount of Rs.75,13,121/- shall be transferred in the account of the Registrar, Original Side, High Court, Calcutta.

9. If the Registrar, Original Side is in receipt of the said amount from the Custom Department, the Registrar, Original Side shall keep the said amount in fixed deposit in an interest bearing fixed deposit having the facilities of auto renewal until further order of this Court.

10. Counsel for the defendant prays for time to file affidavit-in-opposition in connection with GA-COM/2/2025. Affidavit-in-opposition be filed within two weeks. Reply, if any, be filed within one week thereafter.

11. List the matter on 19th May, 2025 for hearing of GA-COM/1/2024 and GA-COM/2/2025.

12. Counsel for the plaintiff submits that the interim order granted earlier is going to be expired on 11th April, 2025 and prays for extension of the interim order.

13. In view of the submission made by the counsel for the plaintiff, the interim order granted earlier is extended till 19th May, 2025 or until further order, whichever is earlier.

14. The copy of the order passed by the learned Tribunal dated 20th February, 2025 be kept with the record.

15. The office as well as the plaintiff is directed to communicate this order to the Commissioner of Customs (Port) Kolkata for compliance.

(KRISHNA RAO, J.)