

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

ORIGINAL SIDE

IA NO. GA/1/2026

IN

CS/45/2026

SEVA NIDHI TRUST AND ANR.
VS
ASIM CHATTOPADHYAY AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 20th July, 2026.

Mr. Krishna Raj Thaker, Sr. Advocate, Mr. Naman Choudhury, Advocates, Mr. Debartha Chakraborty, Ms. Siddhi Agarwal, Mr. Sagar Dutta, Advocates for the plaintiffs/petitioners.

Mr. Abhrajit Mitra, Sr. Adv. Mr. Debanjan Mandal, Mr. Sanjiv Kr. Trivedi, Mr. Soumya Ray Chowdhury, Mr. Sarvapriya Mukherjee, Mr. Satadeep Bhattacharyya, Mr. Sanket Sarawgi, Mr. Altamash Alim, Ms. Sriparna Mitra, Mr. Samriddha Sen, Advocates . . . for defendant nos. 2 & 3.

Mr. Ranjan Bachawat, Sr. Adv., Mr. Sayan Ray Chowdhury, Mr. Satyaki Mukherjee, Mr. Navneet Misra, Mr. Bhavesh Garodia, Advocates for defendant no.1.

THE COURT: In this suit the plaintiffs have challenged the validity of the notice dated 6th July, 2026 with the proposed agenda contained therein for holding a meeting of the plaintiff no.1 on 13th July, 2026. The meeting has already been convened on 13th July, 2026 as submitted by the defendants and the resolution in respect of the various agenda contained in the notice dated 6th July, 2026 has been taken at the said meeting and has been acted upon. The plaintiffs say that the person who has issued the notice, namely, the defendant no.1 is a stranger and complete outsider to the plaintiff no.1 trust and as such had no locus to issue the notice dated 6th July, 2026 on the basis whereof the

meeting can or could have held on 13th July, 2026. It is the further case of the plaintiffs that as per the provisions contained in the trust deed no resolution can or could be passed if there is no valid meeting. There could not have been a valid meeting held as the notice is invalid and in reality no meeting has been held. A trust has to operate as per the majority decision of the trustees and there is no such reflection of the same in convening or holding the meeting in the instant case.

The plaintiffs say that immediately upon receiving the notice dated 6th July, 2026 they have protested against the same and have approached the Court at the earliest. There is as such no delay in approaching the Court, unless an interim protection is granted the suit and the application will become infructuous.

The defendants say that the meeting has already been convened and resolution in respect thereof has been taken. Such resolutions have also been acted upon. This type of suits are according to the defendants filed by the plaintiff on regular basis or at least annually before various counts as it suits the plaintiffs at the relevant point of time, suits filed ever since 2021 by different trustees betraying to the plaintiffs' camp against various trust or societies forming part of the estate of Priyamvada Devi Birla involving similar issues are pending. There is as such no urgency in the matter.

After hearing the parties and considering the materials on record, I find that there is no urgency in the matter since the meeting has already taken place on 13th July, 2026 and there has been initiation of suits on regular basis

regarding the control and management of the trusts or societies forming part of the estate of Pryamvada Devi Birla. The said suits are pending. It is apparent that whenever one group tries to take control of the trust or society by their overt acts, a suit is filed. The suit has been instituted challenging the notice dated 6th July, 2026 as also the agenda which was put up for consideration in terms of the said notice. Any decision taken in the meeting dated 13th July, 2026, therefore, shall be open to scrutiny of court at the final hearing of the matter when the same can either be stayed till disposal of the suit or reversed if an appropriate case of apparent illegality or invalidity is made out. This exercise can be undertaken only after affording the defendants an opportunity to disclose their stand in this application on affidavits.

Let affidavits be exchanged.

Let affidavit-in-opposition be filed by 14th August, 2026; reply thereto, if any, be filed by 3rd September, 2026. Matter to appear in the monthly list of September, 2026.

(ARINDAM MUKHERJEE, J.)

Sb/