



OCD-10

ORDER SHEET

APDT/20/2025
WITH
CS-COM/788/2024

IA NO: GA-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

MIHIJAM VANASPATI LIMITED AND ANR
VS
SHINING VYAPAR PRIVATE LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
AND

The Hon'ble JUSTICE OM NARAYAN RAI
Date : August 29, 2025.

Appearance:

*Mr. S. Bhattacharya, Adv.
Mr. B. Ghosh, Adv.
Ms. S. Mitra, Adv.
..for the plaintiffs*

*Mr. Rishad Medora, Adv.
Ms. Kanchan Jaju, Adv.
Ms. Vanshika Lamba, Adv.
..for the respondent nos.1 & 2*

*Mr. K. C. Garg, Adv.
Ms. Sunita Agarwal, Adv.
..for the respondent no.3*

Dictated by Arijit Banerjee, J.

The Court: Report filed by learned Registrar, Original Side, in terms of our order dated August 25, 2025, be kept with the records.

We find from the report that the sum of Rs.8 lakh, that was deposited by the appellants with the registry on March 13, 2019, is lying in



this Court's PL Account at Reserve Bank of India, Kolkata, without earning any interest. This is unfortunate.

We also find from the report that a sum of Rs.3 lakh was deposited by the appellants on April 12, 2016, in terms of an order dated March 31, 2016, passed by a learned Single Judge of this Court in GA No. 866 of 2016.

The said order reads as follows:-

“The Court: This is an application to set aside the judgment and decree dated 15th December 2014. It is at the instance of the plaintiff no. 2 which has suffered a decree on account of the counter-claim of the defendant being allowed.

Let affidavits be exchanged according to the following directions.

Affidavit-in-opposition be filed by 12th April 2016. List this application on 28th April 2016. Affidavit-in-reply may be filed in the meantime.

Provided the plaintiff no.2 deposits a sum of Rs.3 lakhs with the Registrar, Original Side of this Court by 12th April 2016, there will be stay of the execution proceedings until further orders. Unconditional stay of execution is ordered till 12th April 2016.

It may be recorded that a sum of Rs.3 lakhs together with accrued interest is already deposited with the Registrar, Original Side to the credit of the suit. The present deposit of Rs.3 lakhs will be invested by the Registrar in a short-term fixed deposit earning highest rate of interest.

Certified photocopy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.”



The said order not only directed a deposit of Rs.3 lakh but also recorded that a sum of Rs.3 lakh was already lying deposited along with accrued interest with the Registrar, Original Side to the credit of the suit.

A further report be filed by the learned Registrar, Original Side, indicating the status of the earlier deposit of Rs.3 lakh, as recorded in the order dated March 31, 2016.

The report shall also clarify how much the sum of Rs.3 lakh, which was deposited on April 12, 2016 pursuant to the order dated March 31, 2016, has become.

In the event it is found that the earlier deposit of Rs.3 lakh is also lying to the credit of the suit, the report shall indicate how much that amount has become today.

List this matter on September 8, 2025, when the report that we have called for will be placed before us.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)

sg.