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ORDER SHEET

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

IA NO:GA/1/2026
IN ACR/4/2019

IN THE MATTER OF :
NUMAZAR DORAB MEHTA AND ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : 15th June, 2026.

Appearance:
Mr. Mainak Bose, Sr. Adv.
Mr. D. Basu, Adv.
...For the Petitioners

Mr. Rayomand Zaiwala, Adv.
...for the intervener

1. The petitioners have filed the present application praying for modification of the order dated 14th July, 2023 by fixing the reserve price at Rs.6 crore instead of market value of Rs.7,83,00,000/-.

2. Learned counsel for the petitioners submits that in terms of the order passed by this Court dated 14th July, 2023, the Special Officer has been appointed to ascertain the present market value. The Special Officer has obtained the market value from the competent authority which is Rs.5,88,94,751/- After obtaining the market value, the Special Officer has conducted local enquire of prevailing market price of similar type of land in the localities and assessed the market value of the said properties at Rs.7,83,00,000/-. The Special Officer has published the notice for sale of the property by fixing the base price of Rs.7,83,00,000/-. The notice was published in the English, Hindi and

Bengali daily newspapers. In spite of publication of the notice in three newspapers, none of the proposed purchasers has come forward to purchase the property at the rate of Rs.7,83,00,000/-.

3. Subsequently, one proposed purchaser, namely, Mr. Abul Kalam by a communication dated 14th July, 2025, informed the petitioner that he is intending to purchase the said property at the offered price of Rs. 6 crores subject to the condition that the land is free from all encumbrances, physical measurement, possessing and holding the aforesaid property in vacant condition.

4. Learned Counsel for the petitioners submits that this Court had directed the Special Officer to conduct the sale as per the market value but as per the market value none of the proposed purchasers has come forwarded to purchase the property. Only one proposed purchaser has come forward who has quoted a sum of Rs. 6 crores. Unless and until order dated 14th July, 2023 is modified by allowing the petitioners or the Special Officer to conduct the sale at the rate of Rs. 6 crores, it is not possible for the petitioners as well as the Special Officer to conclude the sale process.

5. Mr. Zaiwala learned Advocate had intervened in the matter with the leave of this Court. Accordingly, a copy of the petition along with the documents was served to the intervener. Mr. Zaiwala has submitted a written reply by enclosing the valuation certificate issued by the Directorate of Registration and Stamp Revenue, Government of West Bengal.

6. It is the contention of the intervener that the petitioners have relied upon the market value issued by the Government of West Bengal at the rate of Rs.5,88,94,751/- but the intervener has obtained the market value of the said property which reflected that the total market value is Rs.7,33,70,004/-.

7. Mr. Zaiwala in his objection further stated that as per the market value submitted by the valuer the total market value of the property is Rs.7,83,00,000/-. The petitioners are intending to sale the property at the rate of Rs.6 crores that is less than Rs.1.83 crore of the actual market value for which the petitioner society will be badly affected financially.

8. Heard the learned Counsel for the petitioners, Mr. Zaiwala as intervener and perused the materials on record.

9. This Court finds that whenever the matter is being taken up for hearing, for one or the other reasons the intervener appeared in the matter and raised one or the other issues. Now in the present proceedings, the specific plea of the petitioners is that the market value is Rs.7,83,00,000/- but in spite of the publication of the notice for sale of the property, none of the proposed purchasers has come forward of purchase the property at the rate of Rs.7,83,00,000/- , under such situation, one proposed purchaser has come forward and offered Rs.6 crores. Hence, the petitioners are intending that the order dated 14th July, 2023 is to be modified by allowing the petitioners to sale the

property at the rate of Rs.6 crores but the intervener has raised objection for selling the said property at the rate of Rs.6 crores.

10. In view of the above, this Court finds that the intervener is interested in the property in question and serious about the property. Thus, Mr. Rayomand Zaiwala who being the Advocate had intervened and appeared in the matter from time to time, is appointed as a Special Referee for sale of the property at the rate of Rs.7,83,00,000/- or more than that. Accordingly, Mr. Zaiwala is directed to publish the notice for sale of the said property in the daily English, Hindi and Bengali newspapers at anywhere in India for fixing the base price of Rs.7,83,00,000/- of the said premises and to file a report before this Court whether any proposed purchaser has come forward to purchase the property at the rate of Rs.7,83,00,000/- or above or more than Rs.6,00,00,000/-.

11. Let a report be filed by intervener on or before 24th July, 2026 after serving the copy to the learned Counsel for the petitioners.

12. Let the matter appear on 28th July, 2026 at the top for filing report by the intervener Advocate.

(KRISHNA RAO, J.)

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