

OD - 1 (Supple.)

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction

(Commercial Division)

EC-COM/519/2024
BHANWARI LAL JAIN
VS
RKD INFRASTRUCTURE PVT LTD.

BEFORE :
THE HON'BLE JUSTICE PARTHA SARATHI SEN
Date : 27th March, 2025

Appearance :

Mr. Kumarjit Banerjee, Adv.
Ms. Sanchari Chakraborty, Adv.
Ms. Akanksha Chowdhury, Adv.
..for the dedree-holder.

Mr. Parashar Baidya, Adv.
Mr. Binay Shaw, Adv.
..for the judgment-debtor.

1. The matter is listed today in the supplementary list under the heading 'To Be Mentioned' at the instance of the learned advocate for the judgment-debtor.
2. At the time of hearing the learned advocate appearing on behalf of the judgment-debtor at the very outset draws the attention of this Court to the order dated March 7, 2025 whereby and whereunder this Court directed the Registrar, Original Side of this Court, to execute the warrants of arrest for production of the directors of the judgment-debtor company. It is submitted on behalf of the judgment-debtor company that pursuant to the said order, the warrant of arrests have been issued in the names of the directors of the judgment-debtor company, that is, Tapan Kumar Das, Ratan Kumar Das and Rup Pratim Das. It

is submitted that the three above-named judgment-debtors are present before this Court today and the said three directors are ready and willing to comply with the order as passed by this Court regarding their presence on the subsequent occasion. It is submitted that an appropriate order may be passed for recalling the warrants of arrest of the three afore-mentioned names who are the directors of the judgment-debtor company.

3. Per contra, the learned advocate for the decree-holder draws the attention of this Court to the provisions of Order 21 Rule 40 of the Code of Civil Procedure. It is submitted on behalf of the decree-holder that pursuant to the said Rule 40(2) Order 21, it is incumbent upon the judgment-debtors to furnish security to the satisfaction of the Court for their appearance.
4. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates appearing for the contending parties, it appears to this Court that since the afore-mentioned three persons being the directors of the judgment-debtor company in the instant execution case appear before this Court today in person, there cannot be any justification for further execution of the warrants of arrest as was directed to be issued on March 7, 2025 by this Court.
5. In view of such, the warrants of arrest as issued pursuant to the order dated March 7, 2025 in the names of

Tapan Kumar Das, Ratan Kumar Das and Rup Pratim Das being the directors of the judgment-debtor company are hereby recalled with a direction that on the returnable date, that is, April 10, 2025 they shall file their respective affidavits of assets in the department at least three working days ahead after serving advance copies of the same to the learned advocate for the decree-holder. The afore-mentioned three directors of the judgment-debtor company are further directed to execute three separate personal security bond of Rs.50,000/- each before the learned Registrar, Original Side of this Court, positively within three working days from today.

6. Before parting with, the learned advocate for the judgment-debtor is hereby requested to file authenticated photocopies of the Aadhar Cards of the afore-mentioned three directors of the judgment-debtor preferably in course of this day.

7. Let the matter be listed on April 10, 2025.

(PARTHA SARATHI SEN, J.)

sd/

