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

IA NO. GA/17/2020
(OLD No. GA/1194/2020)
In CS/199/2015

BALARAM DEVELOPERS PVT. LTD. & ANR.
Versus
MANIKLAL CHOWDHURY AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 31st August, 2021.

Appearance:

Mr. Chayan Gupta, Adv.
Mr. Dwip Raj Basu, Adv.
Mr. Ratul Das, Adv.

Mr. Nikunj Berlia, Adv.
Ms. A. Jain, Adv.

The Court: This is an application for reducing the remuneration payable to the joint Receivers as directed by a learned Single Judge in the order passed on 20th August, 2019. By the said order, the joint Receivers were to remain in symbolic possession in the suit property till disposal of the suit and were to be paid a monthly remuneration of 800 Gms. which was to be borne by the plaintiffs/petitioners.

Learned Counsel appearing for the petitioners submit that petitioners are small scale developers and do not have the financial means to sustain to financial implications of the order dated 20th August, 2019 even though the dues of the joint Receivers have been cleared till

August, 2020. Counsel prays that appropriate orders may be passed for reducing the financial burden on the petitioners.

No one appears for any of the respondents. Upon considering other orders passed in this application and the fact that the joint Receivers have not visited the sight after August, 2019 as also the fact that before the order dated 20th August, 2019, the Receivers were being paid on a site-visit basis, this Court deems it fit to modify the earlier direction and require the petitioners to pay the joint Receivers on the basis of each visit. The Receivers shall continue to be paid the remuneration as was directed by the order dated 20th August, 2019 i.e. 800 Gms. but only when the Receivers visit the suit property. This is not to mean that the petitioners shall prevent or cause the number of visits to be reduced in any manner.

The petitioners shall also pay joint Receivers at the rate of Rs.800 GMS per month till December, 2020. From January, 2021, the petitioners shall be liable to pay in the manner as directed by this Court.

List this matter after four weeks.

(MOUSHUMI BHATTACHARYA, J.)