

OD-2

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

EC/507/2016

IA NO: GA/1/2023, GA/4/2024

J. H. INDUSTRIAL CORPORATION

VS

VIJENDRA KUMAR GOEL

BEFORE :

THE HON'BLE JUSTICE PARTHA SARATHI SEN

Date : 27<sup>th</sup> February, 2025.

Appearance :

*Mr. Sourajit Dasgupta, Adv.  
Mr. S.G. Muskara, Adv.  
...for the decree-holder.*

*Mr. Arnab Dutta, Adv.  
Ms. Labani Dey, Adv.  
...for judgemnet-debtor.*

**Re: IA NO:GA/4/2024**

1. This is an application at the instance of the judgment debtor with a prayer to allow the judgement debtor to operate his bank account being account no.079212000000082 lying with DCB Bank, Shakespeare Sarani and to allow him to secure the said amount lying in the said bank account in this execution proceeding.

2. At the time of hearing, learned Counsel appearing on behalf of the judgment debtor submits before this Court that

the petition for recalling the order of dismissal in a review petition as pending before the Appellate Court is yet to be disposed of. Accordingly, he prays for an accommodation with a further request to adjourn the hearing of the instant execution case.

3. Such prayer is opposed on behalf of the decree holder.

4. On consideration of the entire materials, this Court is not inclined to allow the prayer for accommodation to the judgment debtor in respect of his application, that is, GA 4 of 2024. However, in the absence of any order of stay from the Appellate Court, this Court is not inclined to stall the proceedings of the execution case as fixed today.

5. Let the instant execution case along with GA/4/2024 be listed on March 6, 2025 for further consideration under the same heading.

**Re: IA NO:GA/1/2023**

6. This is an application at the instance of the decree holder. In support of his contention learned advocate for the decree holder at the very outset draws attention of this Court to the order dated 15<sup>th</sup> May, 2024 whereby and whereunder a Coordinate Bench of this Court while entertaining the instant application being GA 1 of 2023 has been pleased to pass an order of attachment of the 99% shares of the judgment debtor held in BWN Alloys Pvt. Ltd. It is

submitted on behalf of the decree holder that from the examination of the decree-holder in the instant execution proceeding, it reveals the value of such share is to the tune of Rs.2.40 crore.

7. At this juncture learned advocate for the decree holder draws attention of this Court to column 7 of the tabular statement wherein the net amount has been mentioned which is sought to be recovered from the judgment debtor by way of execution. It reveals to this Court that the said net amount is to the tune of Rs.38,85,472.04 which includes the decretal amount along with interest accrued thereon together with costs.

8. No materials could be placed on behalf of the judgment debtor that after attachment of his bank account and after attachment of the said shares any endeavour has been made on behalf of the judgement debtor to satisfy the decree to its fullest extent.

9. In view of such, this Court considers that decree holder is successful in making out a case for obtaining a favourable order in terms of prayer (a) of the Master's Summons as filed in connection with GA 1 of 2023.

10. Accordingly, Ms. Rupsa Chakraborty, Learned Advocate, Mobile No.9123626893, email:rupchakpriyachak@gmail.com is appointed as Receiver. The said Receiver is hereby directed

to take symbolic possession of the 99% shares of the judgment debtors as held in BWN Alloys Pvt. Ltd. with immediate effect by making necessary communication with the registered office of the said company.

11. Initial honorarium of the Receiver is fixed at Rs.50,000/- which is to be borne by the decree holder for the present.

12. Let the matter be listed on April 24, 2025 for further consideration under the same heading.

**(PARTHA SARATHI SEN, J.)**