

**HIGH COURT OF TRIPURA
AGARTALA**

IA No.03/2025 in Commercial Appeal No.02 of 2024 (D/O)

1. Aranyak Jewellers Pvt. Ltd., a company incorporated under the provisions of the Companies Act, 2013, having its registered office at Subhash Park, Khowai-799201, Tripura
2. Manojit Choudhury, son of Monoj Kanti Choudhury, residing at Subhash Park, Khowai-799201
3. Banasree Choudhury, wife of Manojit Choudhury, residing at Subhash Park, Khowai-799201

.....Applicant(s);

Versus

1. Shyam Sundar Co. Jewellers Pvt. Limited, a company within the meaning of the Companies Act, 2013, having its registered office at 131, Rashbehari Avenue, Suparno, Ground Floor, Kolkata-700029 and also carrying out its business from 44, Central Road, Kaman Chowmuhani, Agartala-799001, and 21/2, Hariganga Basak Road, Agartala, Tripura-799001
2. UCO Bank, District Court Branch, Agartala

.....Respondent(s)

For Applicant(s)	: Mr. Anuj Singh, Advocate, Mr. Abhishek Das, Advocate.
For Respondent(s)	: Ms. Sonal Shah, Advocate, Mr. Kousik Roy, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

13/03/2026

The Commercial Appeal No.02/2024 had been decided on 11.02.2025 with the following directions:

- (i) *The appellant No.1 shall deposit bank guarantee of Rs.50,00,000/- [Rupees Fifty lakhs only] before the learned trial court within 2[two] weeks from the date of receipt of copy of this order and such document(s) of bank guarantee shall also be kept in a proper and safe custody of the learned trial court to be renewed from time to time during pendency of the suit. The appellants are given liberty to obtain such bank guarantee utilising the sum lying in the frozen accounts of the respondent.*
- (ii) *The appellant No.1 shall also ensure deposit of gold ornaments worth of Rs.1,91,86,671/- [Rupees One crore Ninety One lakhs Eighty*

Six thousand Six hundred Seventy One only] from the ornaments which were purchased/taken by the appellant No.1 from the respondent within 2[two] weeks from the date of receipt of copy of this order and such gold ornaments will be kept in the safe custody of the learned trial court in a bank locker as indicated above.

(iii) After such gold ornaments are deposited, the learned trial court will appoint one suitable Valuer experienced in this matter for ascertaining both the purity and value of such ornaments and the learned trial court shall take an endeavour to complete the said process not later than 6[six] weeks from the date of receipt of copy of this order. While appointing such Valuer, learned trial court may take into consideration the names of such dependable valuer(s), if any, as proposed by the parties.

(iv) After the aforesaid directions are complied with, the learned trial court will modify the order dated 29.06.2014 accordingly resorting to the relevant provisions of law and will also take endeavour to dispose of the main suit expeditiously.

2. It is not in dispute that in compliance with the said order, and the subsequent modification thereof on 18.03.2025, the appellant No.1 had already deposited the bank guarantee to the tune of Rs.50,00,000/- before the Commercial Court, and had also caused deposit of gold jewellery to the tune of Rs.1,91,86,671/-.

3. The deposited and valued gold are lying at a secured vault having two padlocks (one padlock of each party with their respective keys being in their custody), and the said vault was sealed and kept at the premises of appellant No.1 – Company at Aranyak Jewellers Pvt. Ltd., Subhash Park, Khowai-799201.

4. Thereafter, in spite of the best efforts of both parties to deposit the said gold jewellery in any nationalized or private bank at Agartala, they could not succeed.

5. Therefore, the matter was getting listed from time to time to take note of the effort being done by the parties to secure such a locker.

6. In view of the difficulty faced by the parties to secure a locker of adequate size in any nationalized or private bank at Agartala, both parties have filed memos before this Court requesting this Court to modify the order dt.11.02.2025 to the extent that the gold ornaments so deposited by the appellant No.1, valued by the Valuer and securely kept at the vault secured with two padlocks at the above premises of appellant No.1 – Company, be allowed to remain in that premises, with the advocates on record being the Joint Receivers of the said vault.

7. In view of the fact that both parties are agreeable to this course of action, we deem it appropriate to modify the order dt.11.02.2025, and direct that the gold ornaments already deposited by the appellant No.1, and which are kept at the vault secured with the two padlocks of both parties in the premises of the appellant No.1 at Khowai referred to above, shall remain in the said premises, with the advocates on record being the Joint Receivers of the said vault.

8. This arrangement shall continue till the disposal of the Commercial Suit 03 of 2024, and suitable directions be obtained from the Commercial Court at the time when the Commercial Suit is disposed of either way.

9. The proceedings are closed for the present. IA stands disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

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