

OD 3 & 4

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO.GA/4/2023

In

EC/125/2015

SHRI JAICHANDLAL ASHOK KUMAR & COMPANY PVT. LTD.

VS

NAWAB YOSSUF & ANR.

IA NO. GA/5/2024

In

EC/125/2015

SHRI JAICHANDLAL ASHOK KUMAR & COMPANY PVT. LTD.

VS

NAWAB YOSSUF & ANR.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 28th March, 2025.

Appearance:

Mr. Surajit Nath Mitra, Sr. Adv.

Mr. Rajarshi Dutta, Adv.

Mr. Deepak Jain, Adv.

Mr. Abhishek Dutta, Adv.

Mr. Sarbajit Mukherjee, Adv.

...for the award-holder

Mr. Abhrajit Mitra, Sr. Adv.

Mr. Sarbapriya Mukherjee, Adv.

Mr. B. Kumar, Adv.

Mr. I. Basu, Adv.

...for the petitioner in IA No. GA/5/2024

Mr. Debnath Ghosh, Sr. Adv.

Mr. Sananda Ganguli, Adv.

...for the award-debtor no.1

Ms. Piyali Sengupta, Adv.

Ms. Paroma Sengupta, Adv.

...for the K.M.C.

The Court:

1. Having heard Mr. Surajit Nath Mitra, learned Senior Advocate, for the award-holder, this Court is of the view that the first step that is required to be taken before proceeding further is to direct the Kolkata Municipal Corporation to sit with the parties, ascertain whether the plan is in accordance with the agreement and according to law. The learned Receiver along with the parties shall approach the Corporation, with a server copy of the order.
2. This Court is of the view that the Director General, Building, shall scrutinize the building plan which has been disclosed in the supplementary affidavit affirmed on 12th February, 2024. The original plan shall be produced before the Director General, Building by the learned Receiver, on behalf of the parties, within a week from date.
3. The Director General, Building shall call on the parties for a hearing the learned Receiver shall also be present. The views of the parties shall be taken. In case the corporation requires addition, alteration or changes to the plan, the same shall be pointed out. Such addition, alteration and changes can only be suggested if it is found that the plan which has been prepared is not in accordance with the agreement or contrary to the building rules and the other laws governing such sanction.
4. After the aforementioned exercise, a report shall be prepared by the Corporation and handed over to the Court.
5. Let this matter appear on 2nd May, 2025, at 10.30. am.

6. Reply to the affidavit-in-opposition filed by the award-holder in IA No.GA/5/2024, is taken on record.

(SHAMPA SARKAR, J.)