

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

IA NO: GA/2/2024
APO/472/2017
WITH
CS /275/2016

STANDARD CHARTERED BANK
VS
B.K. CONSTRUCTION & FINANCE CO. PVT. LTD.

BEFORE
The Hon'ble Justice I.P. MUKERJI
-And-
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 9th July, 2024

Mr. Sarosij Dasgupta with
Mr. Nilay Sarkar &
Mr. Steven S. Biswas, Advs.
...for the appellant.

Mr. Mank Lal Poddar, Adv.
...for the respondent.

We have considered the application made by Standard Chartered Bank.

At the time of ascertainment of mesne profit the court has two options, either to determine it itself or by a Special Officer/Referee [see order XX Rule 12(1)(ba) of the Civil Procedure Code]. It is very usual that such determination is directed to be done by an officer of the court.

It is also common practice that this determination of mesne profit is placed before the court for confirmation and an opportunity is given to the parties aggrieved by the report to seek rescission of the report. After considering the objection, if any, the court decides whether to accept the report or to reject it or to accept it on modified terms.

Therefore, the use of the word 'adjudicate' in the order dated 19th January, 2018 is to be understood on a proper interpretation thereof, the interpretation being that the report of the Special Referee would be subject to confirmation by the court.

We clarify the order dated 19th January, 2018 accordingly.

The application (GA-COM/2/2024) is disposed of.

Time for the Special Referee to make and publish the report is extended till 9th September, 2024.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)