

W.P.A. 29784 of 2017
CAN 7772/2018
CAN 1/2018
CAN 2/2018
CAN 3/2020
CAN 4/2020
(Assigned)

(Via Video Conference)

Ratan Kumar Sen & Ors.
Vs.
State of W.B. & Ors.

Mr. Samik Kanti Chakraborty
Mr. Dibanath Dey
.....for the petitioner.

Mr. Dhruva Ghosh, Sr. Adv.
Mr. P. Agarwalfor respondent No.4 to 7.

Mr. P. Deb Roy, A.G.P.,
Mr. Pannalal Bandopadhyay ...for the State.

Amendments have been made and the legal heirs and successors of petitioner no.2 (since deceased) have been made co-petitioners.

Application being CAN 7772/2018 seeking clarification of order dated 8th May, 2020 is taken up for hearing.

Heard learned counsels appearing for the parties.

Learned counsels for the State respondent submits that his client has no objection to the sale of the premises being 118, Rash Behari Avenue, P.S. Tollygunge, Kolkata-700 017 in favour of respondent Nos.5 to 7 at the present market value which is recorded as ₹9,37,44,000/-.

We are informed that the respondents had earlier agreed to purchase the property at a lower price.

However, they are ready and willing to offer the present market value i.e. ₹9,37,44,000/-. Petitioners are agreeable to accept such order. Learned counsel for the State respondent also does not have objection in the proposed transfer, provided the share of respondent No.3 in the sale proceeds be deposited with the Competent Authority in terms of Section 9(2)(g) of the Act, 2013.

Petitioners are at liberty to execute sale deed in favour of respondent Nos.5 to 7 at the above quoted price in respect of the aforesaid premises in the presence of the representative of the Competent Authority after the share due and payable to respondent No.3 i.e. $\frac{1}{4}$ of the sale price is credited to an account standing in the name of Competent Authority in a nationalized bank in terms of Section 9(2)(g) of the Act of 2013.

Needless to mention that the Competent Authority shall be at liberty to exercise its power to convey in terms of Section 9(2)(f) of the said Act with regard to the share of respondent No.3.

Report with regard to the execution of the sale deed and transfer of the share of respondent No.3 in favour of the competent authority be filed before this court on the next date of hearing.

The matter is adjourned for two weeks after the ensuing vacation.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)