

**M.A.T. 281 of 2021**  
+  
**CAN 1 of 2021**

**M/s. Delta Limited**  
**Vs.**  
**Sri Abdul Khalil Khan @ Ab Khalil Khan & Ors.**

*Mr. Soumya Majumder*  
*Ms. A. Pandey*  
*Ms. Anamika Pandey* .... *For the Appellant.*

*Mr. Susanta Pal*  
*Mr. A. Neogi* .. *For the Respondent Nos. 2 and 3.*

*Mr. Jahar Lal De*  
*Mr. Shamim Ul Bari* ... *For the State.*

**Re: CAN 1 of 2021**

At this stage of the proceeding before the adjudicating authority the impugned judgement and order dated 24<sup>th</sup> February, 2021 made by a learned single judge of this court in a writ application filed by the private respondent, is in order. There is nothing to call for interference.

S.D. Mr. Soumya Majumder, learned advocate for the appellant submits that while his client is pursuing the remedies of review, appeal etc. under the statute, it should not be deprived of the money representing the alleged claim of the writ petitioner/respondent. Depositing the money with the Registrar General of this court would

have the effect of debit of that amount from his client's account and loss of interest.

Considering the above submission, we modify the impugned order to this extent only that the appellant will create a fixed deposit in its own name for Rs. 2,83,256/- in a Nationalized Bank earning the highest rate of interest within a week from date and deposit the original receipt immediately with the learned Registrar General of this court. Upon deposit of the receipt the learned Registrar General will issue a certificate to that effect which the appellant shall produce before the learned single judge.

The appeal (MAT 281 of 2021) and the connected application (CAN 1 of 2021), dispensing with all formalities are disposed of by this order.

**(I.P. Mukerji, J.)**

**(Md. Nizamuddin, J.)**

