

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

21.12.2021
Item No.6
Crt. No.11.
KB

**FAT 611 of 2018
with
IA No. CAN 5 of 2021**

**Bank of Baroda
Vs.
Tirupati Assets Pvt. Ltd.**

(Via Video Conference)

Mr. Dipanjan Datta
Mr. Atanu Basu
Mr. Sayan Datta
... For the appellant.

Mr. Soumabho Ghosh
Mr. Biswajit Kumar
... For the respondent

The joint application for recording compromise by the parties is taken up for hearing and upon hearing the parties, the following order is passed.

The appellant, pursuant to orders dated 24th August, 2021 and 14th September, 2021 has deposited a sum of Rs.8,23,65,023/- on 6th September, 2021 with the Learned Registrar General of this Court.

As recorded in the Terms of Settlement entered into by and between the parties, being Annexure 'A' to the application, CAN 5 of 2021, the respondent and the appellant have sought leave that the Respondent be

allowed to withdraw a sum of Rs.5,20,41,542/- and the residual sum of Rs.3,03,23,481/- be returned to the Appellant.

The interest accumulated on the sum of Rs.8,23,65,023/- be shared between the parties in the proportion of their respective entitlements.

Upon receipt of the aforesaid, the parties shall cease to have any claims against each other, as more fully recorded in the Terms of Settlement.

The prayer of the joint-petitioners, i.e. the appellant and the respondent, stands thus allowed. The Learned Registrar General of this Court is directed to release a sum of Rs.5,20,41,542/- in favour of the Respondent and return the residual sum of Rs.3,03,23,481/- in favour of the Appellant, upon completion of all formalities on proper identification of the parties. The interest accumulated on the sum of Rs.8,23,65,023/- shall also be proportionately given to the respondent and the appellant as per settlement.

Let the Terms of Settlement which is Annexure-‘A’ of I.A. No. CAN 5 of 2021, be treated as part of this order.

Learned Registrar General shall complete the above exercise within **10th of January, 2022**.

The instant appeal being **FAT 611 of 2018** along with **IA No. CAN 5 of 2021** stands accordingly **disposed of**.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)