

ORDER SHEET

AP/250/2020

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMMERCIAL DIVISION

SREI INFRASTRUCTURE FINANCE LIMITED  
VERSUS  
SUPREME INFRASTRUCTURE INDIA LIMITED

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date: 15<sup>th</sup> February, 2021.

(Via Video Conference)

*Appearance:*  
*Mr. Soumabho Ghose, Adv.*  
*R. Saubhik Chowdhury, Adv.*  
*Mr. Dripto Majumdar, Adv.*  
*Ms. Ayusmita Sinha, Adv.*  
*...for the petitioner*

The Court: None appears for the respondent despite service.

Affidavit of service filed in Court be taken on record.

On October 8, 2020, the petition was initially taken up for consideration when, a Receiver was appointed. The Receiver was directed to collect the lease rentals from the respondent in terms of the agreement executed between the parties and keep the same in an interest bearing account in a nationalized bank until the main arbitration petition is heard out by the Court.

The petition was thereafter taken up on November 3, 2020 when the personnel of the Receiver were changed.

The learned Receiver acted in terms of the order dated October 8, 2020 and submitted a report which was taken on record on December 7, 2020.

On January 11, 2021, again none appeared on behalf of the respondent. A further order in terms of prayer (e) of the petition was granted. The respondent was directed to ensure that no further encumbrances or third party rights were created save and except those appearing from the report of the learned Receiver.

Thereafter, the petition was taken up for consideration on January 18, 2021, when, on the prayer of the petitioner, an order to show cause was passed in terms of prayer (c) of the petition.

As noted above, the respondent is not represented even today.

Learned advocate appearing for the petitioner submits that, the petitioner made a reference of the disputes to arbitration in terms of the arbitration agreement. The petitioner will seek its remedies before the learned Arbitrator. The present petition may be disposed of by discharging the Receiver.

In such circumstances, AP/250/2020 is disposed of by permitting the petitioner to avail of its remedies before the learned Arbitrator, in accordance with law.

No fruitful purpose will be sub-served by continuing with the Receiver in the facts of the present case.

In such circumstances, the learned Receiver appointed is discharged without the requirement to file accounts.

This order, however, will not prevent the petitioner from applying for appointment of Receiver, if so advised, before the appropriate forum.

AP/250/2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)