

ORDER

APO/143/2015
WITH
CS/202/2011
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

PUNJAB NATIONAL BANK
VERSUS
FORTUNE INVESTORS & TRADERS LIMITED & ORS.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 27th January, 2021.

APPEARANCE:

Mr. Joy Saha, Senior Advocate

Mr. Sanjibn Dawn, Advocate

...for the appellant.

Mr. Arindam Banerjee, Advocate

Mr. Satadeep Bhattacharyya, Advocate

Mr. Surajit Biswas, Advocate

...for respondent No.2.

The Court:- Mr. Joy Saha, learned senior counsel appearing on behalf of the appellant, submits that Punjab National Bank has decided to surrender the tenancy to the three landlords and the letter instructing the advocate-on-record of the appellant shall be produced in Court today.

The appellant, during the pendency of the appeal, had entered into a lease agreement on 3rd August 2019 with the respondent Nos.1 and 3 and was paying the lease rent at the rate of Rs.115/- per sq.ft. and had paid arrears occupational charges for the earlier period at the rate of Rs.125/- per sq.ft. till July 2019. After July 2019, the appellant has paid occupational charges at the rate of Rs.115 per sq.ft. to the respondent Nos.1 and 3. The appellant, however, continued to pay occupational charges at the rate of Rs.125/- per sq.ft. to the respondent No.2 who had not agreed to the occupational charges reduced from Rs.125/- per sq.ft. to Rs.115/- sq.ft. It appears that the parties have arrived at a

settlement pursuant to which the appellant has now agreed to surrender the premises in favour of the landlords. Mr. Saha, on instruction, submits that the appellant is paying at the rate of Rs.125/- sq.ft. to the respondent No.2 and insofar as the respondent Nos.1 and 3 are concerned, the bank is paying at the rate of Rs.115/- per sq.ft. and shall continue to pay the said amount to the respective owners till actual surrender takes place. Mr. Saha, accordingly, submits that the appellant may be allowed to withdraw the appeal with an undertaking that the premises shall be handed over to the respondents by 30th April 2021. Till actual surrender takes place, the earlier arrangement for payment shall continue.

On the basis of the aforesaid undertaking, the appeal is disposed of. However, there shall be no order as to costs.

(SOUMEN SEN, J.)

(ANIRUDDHA ROY, J.)

S. Kumar