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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP 519 of 1989

IA NO: CA/1/1997(Old No:CA/271/1997), CA/2/1997(Old No:CA/310/1997),
CA/3/1997(Old No:CA/646/1997),
CA/4/1997(Old No:CA/754/1997), CA/5/1997(Old No:CA/767/1997), CA/6/1998(Old
No:CA/427/1998), CA/7/1998(Old
No:CA/465/1998), CA/8/1998(Old No:CA/47/1998), CA/9/1998(Old No:CA/470/1998),
CA/10/1998(Old No:CA/471/1998),
CA/11/1998(Old No:CA/472/1998), CA/12/1998(Old No:CA/513/1998), CA/14/1998(Old
No:CA/601/1998), CA/15/1998(Old
No:CA/658/1998), CA/16/1999(Old No:CA/261/1999), CA/18/1999(Old No:CA/288/1999),
CA/19/1999(Old
No:CA/301/1999), CA/20/2002(Old No:CA/581/2002), CA/26/2009(Old No:CA/24/2009),
CA/27/2009(Old
No:CA/136/2009), CA/31/2011(Old No:CA/670/2011), CA/32/2011(Old No:CA/671/2011

A R C HOLDINGS LTD.
VS
IN THE MATTER OF:
RISHRA STEEL LTD. (IN LIQN)

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 24th September, 2021.

Appearance:
Mr. Ratnanko Banerji, Sr. Adv.
Mr. Rudrajit Sarkar, Adv.
Mr. Indradeep Basu, Adv.

Mr. Sankarsan Sarkar, Adv.
Mr. Debangshu Dinha, Adv.

Ms. Smita Das De, Adv.

The Court: Learned counsel appearing for contributory of the company (in liquidation) prays for a direction on the Official Liquidator to take steps against construction being made on the land of the company (in liquidation) which is now in possession of the Official Liquidator. It is submitted on behalf of the Official Liquidator that one J.K. Enterprise is the entity behind the construction activities, photographs of which have been placed before the Court. It is also submitted that a complaint with the local police station has been lodged sometime in August, 2021.

Upon hearing learned counsel, the Official Liquidator is directed to follow up with the local police station and seek their assistance in stopping all construction and other activities of the land with immediate effect.

The local police station is likewise directed to take adequate measures for protection of the land in question. Since the contributory has already paid Rs.11 lakhs by an order dated 14th June, 2007 for constructing a boundary wall, the contributory shall pay whatever expenses are necessary to ensure police protection over the land in question.

It should also be mentioned that by an order dated 6th August, 2021 of the Supreme Court, the company petition was directed to be transferred to the NCLT and the NCLT was in turn was directed to dispose of the company petition expeditiously. The department informs the Court that the transfer shall be given effect to upon original records being sent by the New Building Record Department. The order of the Supreme Court further directs that the matter shall be transferred to the NCLT upon deducting the expenses of the official liquidator.

The concerned department is directed to take steps for transferring the company petition along with all connected applications to the NCLT in accordance with the order of the Supreme Court dated 6th August, 2021.

The Official Liquidator shall be at liberty to communicate list of expenses to the department for reimbursement of the same.

(MOUSHUMI BHATTACHARYA, J.)