

10.05.2022

Sl. 5

Ct.No. 37

Amalranjan

(Via Video Conference)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMAT (ARBAWARD)/20/2022

With
CAN/1/2022

Mounthill Realty Private Limited
Vs.
Calcutta Engineers & Builders Private Limited

(COMMERCIAL DIVISION)

Mr. Reetobrata Mitra
Mr. Abhishek Sikdar
Mr. Soumen Halder
Ms. Pallavi Ray

...for the appellant/petitioner

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Debraj Sahu
Mr. Snehashis Sen
Mr. Abhishek Banerjee

...for the respondent

Re: CAN/1/2022

We have examined the report of the Joint
Special Officers.

We have heard learned counsel appearing
for the parties.

It is submitted that the Flat no. 1/1A has
already been sold out to a third party.

It is submitted by Mr. Reetobrata Mitra,
learned counsel appearing for the appellant that
flats No. 1/3M and 3/GA/2 are in his clients'
ownership and control.

According to the report they are incomplete.

This order will not in any way affect the undertaking given by the appellant before the learned tribunal to complete the construction of these two flats.

By consent of the parties, time to complete the construction is extended by six months from date.

Considering the fact that the claimants' claim is purely monetary in nature and it is supported by an alleged admission and the submission of Mr. Abhrajit Mitra, learned senior counsel appearing for the respondent that no case of attachment before judgment has been made out, we direct that the appellant shall not alter the status quo regarding ownership or possession of flats No. 1/3M and 3/GA/2 in Mounthill Essence Project without the leave of the learned arbitral tribunal or a court of law.

As flat no. 1/1A is already disposed of, we vacate the injunction with regard to the said property.

We also make it clear that this is the only interim order, which is now operative.

On the failure of the appellant to carry out their undertaking, it shall be open to the respondents to seek further orders of protection.

Nothing remains in this appeal. The appeal
FMAT (ARBAWARD) 20 of 2022 and the
connected application CAN/1/2022 are disposed
of.

(Aniruddha Roy,J.)

(I. P. Mukerji,J.)