

OD-21

ORDER SHEET

AOT/1/2021

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

SUSAN REUBEN AND ANR.
Versus
THE OFFICIAL TRUSTEE OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 3rd January, 2022

(Via Video Conference)

Appearance:

Mr. Ranjan Bachawat, Sr. Adv.

Mr. Indranil Nandi, Adv.

The Court: This is an application made by the Wardens of the Holy Church of Nazareth at Calcutta and the Church of St. John at Chinsurah for development of premises No. 1, Robinson Street, Kolkata-700017.

It is to be noted that public advertisement has been made by the Official Trustee in terms of earlier orders passed by this Hon'ble High Court. It is also to be noted that the Official Trustee has received offers and the report has been filed in Court today. The relevant part of the report is delineated below:-

“The undersigned has scrutinized all the three offers. On opening the offer of Merlin Projects Pvt. Ltd., it is found that they have informed the undersigned in writing that they do not comply the criteria of Rs.100 Crore turnover or construction of built-up area of more than 10 Lac sq.

ft. in the last three years. They have also requested to increase the time for vacating the tenants from 12 months to 24 months subject to force majeure. Therefore, even if the condition with regard to the criteria of Rs.100 Crore turnover or construction of more than 10 lac sq. ft. in the last three years are relaxed, even then the request of Merlin to increase the time for vacating the tenants from 12 months to 24 months will result in further delay of the project, which is not beneficial to the interest of the Armenian Church.

In so far as the offer of Srijan Realty (P) Ltd. is concerned, it is found that Srijan has agreed to the terms and condition of the offer as detailed in the advertisement, subject however to the condition that they are willing to share the super built up area with the Armenian Church in the ratio of 35% to the Church and 65% to themselves. The said offer of Srijan is not in conformity with the terms and condition as mentioned in the said advertisement, in as much as, in the advertisement, it was specifically mentioned that the Church's share of the development will be 37.5%. Therefore, if the offer of Srijan is accepted, the same would result in financial loss to the Church.

In so far of the offer of P. S. Group is concerned, they have agreed to comply with all the terms of the advertisement.

Therefore, upon consideration of all the three offers, it is found that the offer of P.S. Group Realty Private Limited emerges as the best offer amongst the three, in as much as, the same conforms to all the terms of the advertisement. Be it further mentioned that the offer of P.S. Group Realty Private Limited is beneficial to the interest of the Armenian Church.

Three copies of this Report be forwarded to Sri Indranil Nandi, Advocate of the Official Trustee, West Bengal in the aforesaid case for placing the same before the Hon'ble Court at the time of hearing."

From the reading of the report and from a reading of the letter dated October 17, 2019 written by the PS Group Realty Private Limited (page 51 of the petition) it appears that PS Group Realty Private Limited has agreed to the terms and conditions as advertised by the Official Trustee. The other two offers that were received did not meet the criteria as per the advertisement.

By the examination of the report of the Official Trustee and the petition filed, it is clear that the income of the churches shall increase manifold and the said development would enure to the benefit of the churches.

In light of the same, I am of the view that this application may be allowed. Accordingly, prayers (a), (b) and (c) of the petition are allowed.

AOT/1/2021 is disposed of with the above directions.

(SHEKHAR B. SARAF, J.)