

IA No. GA 1 of 2021
APOT No. 210 of 2021
with
CS No. 77 of 2013
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

LMJ International Ltd.
Versus
Concast Steel And Power Ltd. & Ors.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice KAUSIK CHANDA
Date: 5th January 2022
(via Video Conference)

Appearance:
Mr. Surojit Nath Mitra, Sr. Advocate
Mr. D. N. Sharma, Advocate
for the appellant

Mr. Rupak Ghosh, Advocate
Mr. Chayan Gupta, Advocate
Mr. Rajesh Upadhyay, Advocate
for the respondent

Mr. Pradip Sarawagi, Advocate
for respondent no. 2

The Court: As the point involved is very short, we dispose of the appeal dispensing with all formalities.

It is true that there is an order of sale of 10,000 MT of met-coke, affirmed up to the Supreme Court.

Now the appellant/defendant no. 2 through Mr. Surojit Nath Mitra, learned senior advocate contends that if his argument succeeds then the sale which has not taken place till today cannot be proceeded with further. He says that if the sale is carried through, the proceeds of the sale would not be a suitable compensation for the coke, as the quality of the subject coke is special and needed for his client's business.

Affidavits in terms of the direction made in the impugned order have been filed before the learned single judge.

We are of the view that the issue as discussed above should be decided by the learned trial judge on affidavits.

Since the sale has not taken place till date, let that status quo be maintained by the Special Officer till 31st January 2022 or until further order of the learned trial judge whichever is earlier.

In the meantime we request the learned single judge to hear out the application, as a special case.

The appeal (APOT 210 of 2021) and the connected application (IA No. GA 1 of 2021) are disposed of.

(I. P. MUKERJI, J.)

(KAUSIK CHANDA, J.)

R. Bose