

OD - 12

FEA/9/2009
IA No.GA/1/2009 (Old No.GA/786/2009)
GA/2/2009 (Old No.GA/787/2009)

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Foreign Exchange)
ORIGINAL SIDE

NIRMAL KUMAR KOTHARI

-Versus-

SPECIAL DIRECTOR & ANR.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 15th June, 2023

Appearance :
Mr. Arijit Chakraborti, Adv.
...for the respondent.

The Court : Appeal is pending since 2009.

Appeal was taken up for consideration on June 8, 2023 when a prayer was made by the learned advocate appearing for the appellant to retire which was granted. One more opportunity was granted to the appellant to press the appeal.

The respondents are represented.

The Court is informed that the bank guarantees furnished are still alive.

In such circumstances, FEA/9/2009 is dismissed for default. Interim order, if any, stands vacated.

The respondents are at liberty to encash the bank guarantee and appropriate the proceeds thereof towards the pro tanto satisfaction of their claim.

The respondents are at liberty to proceed against the appellant for realisation of the balance claim, in accordance with law.

Interim applications, IA No.GA/1/2009 and GA/2/2009, stand disposed of.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)