

APOT No. 242 of 2023
with
CS No. 147 of 2023
IA No. GA 1 of 2023

IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)

DRISHTI POWERTECH LLP
Versus
NSK BEARING INDIA PRIVATE LIMITED AND ORS.

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 16th August, 2023

Appearance:
Mr. Abhrajit Mitra, Sr. Advocate
Mr. Chayan Gupta, Advocate
Mr. Sandip Dasgupta, Advocate
Mr. Aviroop Mitra, Advocate
for the appellant

Mr. Joyjeet Ganguly, Adv.
Mr. P. Sancheti, Adv.
...for the respondent no. 1

The Court: An affidavit of service is on record.

After hearing learned counsel for the parties and taking into account the logistics and the reputation of the goods involved, we modify our order dated 2nd August, 2023 by directing that the subject goods with which the appellant has existing contracts with the respondent nos. 4 to 17 shall be sold through the Joint Special Officers on the terms and conditions agreed upon by the said parties.

Mr. Rajarshi Raichoudhury, Advocate, Bar Association Room no.2 (M.9874879897) and Mr Souryadeep Banerjee, Bar-at-Law, Bar Library Club (M.9836697841) are appointed Joint Special Officers at a

remuneration of 3000 GMs each to be borne by the appellant and the respondent no.1 equally to sell the subject goods.

Initially, the Joint Special Officers shall make an inventory of the entire stock in the hand of the appellant. Thereafter, they shall make an inventory of the stock agreed by the appellant to be sold to the respondent nos. 4 to 17.

The stock not agreed to be sold to the respondent nos. 4 to 17 shall be returned to the respondent no.1 by the appellant through the Joint Special Officers. The money, if any, paid by the appellant for this stock shall be forthwith returned to them by the respondent no.1.

The rest of the stock may be sold by the appellant to the respondent nos. 4 to 17 according to the existing contracts between them, through the Joint Special Officers.

This order shall be implemented by meetings to be convened by the Joint Special Officers with the parties of which minutes shall be maintained.

After completion of the work a report shall be filed by the Joint Special Officers, within two months from date, which should also include the payments made and received and a summary of accounts.

The appeal (APOT/242/2023) and the interim application (IA NO. GA/1/2023 in CS/147/2023) are disposed of.

Liberty to apply for implementation of this order.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

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