

OD-23

ORDER SHEET

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

IA NO. GA/11/2023
In ACR/2/2014

RE : PASHUPATI ROY & ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 10, 2023.

Appearance

Mr. Nirmalya Dasgupta, Adv.
Mr. Dibanath Dey, Adv.
Ms. Pallavi Pain, Adv.
..for the petitioners

Mr. Rohit Banerjee, Adv.
..for the receiver.

The Court : Counsel for the petitioner and the receiver appointed by this Court are present.

The petitioner trustees have filed the present application praying for direction upon the receiver to transfer the amount of Rs.7,70,06,434,84/- being the total sale consideration of 40 cottahs of land of the trust property in the account of trust being No. 0397010160476 maintained with the Punjab National Bank, B. T. Road Branch, Kolkata from SB A/C No. 0091010426763 maintained by the receiver appointed by this Court in the Punjab National Bank, High Court Branch.

Considering the submission made by the Counsel for the petitioner, this Court finds that in terms of the order passed by this Court dated 15th May, 2023, the sale process has been completed and the sale amount of the above mentioned land has been deposited in the account of the receiver and

the said amount is required to be transferred in the account of trust. Initially when this Court appointed Mr. Rohit Banerjee as receiver the remuneration was fixed at Rs.2000 Gms and that has been paid by the petitioner to the learned receiver. Now, the learned receiver has completed his work and the total amount is to be transferred in two trust account, the receiver is given liberty to deduct Rs.1,50,000/- being full and final remuneration of the receiver out of Rs.7,70,06,431.84/- and after deducting the said amount and balance amount shall be transferred in the account of trust.

Considering the submission made by the Counsel for the petitioner, the receiver is directed to transfer the amount of Rs.7,70,06,431.84/- after deducting Rs. 1,50,000/- in the account of the trust as mentioned above within a week from date and after transfer of the said amount in the trust account, the account opened by the receiver shall be closed.

In view of the above, ACR No. 2 of 2014 along with GA No. 11 of 2023 is disposed of.

The Manager, Punjab National Bank, High Court Branch is directed to transfer the amount of Rs. 7,70,06,431.84/- after deducting the amount of Rs.1,50,000/- being the remuneration of the receiver by way of RTGS in the account of trust, as mentioned above. After transfer of the said amount and after payment of remuneration of the receiver, the account opened by the receiver shall be closed.

(KRISHNA RAO, J.)