

OD - 2

APO/99/2022  
With  
AP/308/2012  
IA No.GA/1/2022

IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
ORIGINAL SIDE

NEO BUILT CORPORATION

-Versus-

STATE OF WEST BENGAL

BEFORE :  
THE HON'BLE JUSTICE SOUMEN SEN  
And  
THE HON'BLE JUSTICE UDAY KUMAR  
Date : 11<sup>th</sup> July, 2023

Appearance :  
*Mr. Sakya Sen, Sr. Adv.*  
*Mr. Debkumar Sen, Adv.*  
*...for the appellant.*

*Mr. Priyankar Saha, Adv.*  
*Mr. Arindam Mondal, Adv.*  
*Mr. Paritosh Sinha, Adv.*  
*...for the respondent.*

The Court : In the order dated 3<sup>rd</sup> July, 2023 the name of Mr. Priyankar Saha, learned advocate representing the respondent was left out by inadvertence. The server copy shall be corrected by recording the name of Mr. Priyankar Saha, as one of the Advocates representing the respondent on that date.

In view of the deed of retirement dated 15<sup>th</sup> February, 2017 between Subir Sarkar and Usha Ranjan Sarkar and Avijit Sarkar and the subsequent deed of partnership dated 16<sup>th</sup> May,

2017 between Avijit Sarkar and his wife Shraddha Sarkar which also records a deed of gift being executed by Usha Ranjan Sarkar in favour of Avijit Sarkar, we are of the view that substitution of Subir Sarkar as one of the legal heirs of Usha Ranjan Sarkar is no more necessary. However, the present appellants and its partners shall execute separate deed of indemnity in favour of The Chief Engineer, National Highway, P.W (Roads), Directorate clearly stating that the partnership firm and its partners shall indemnify the appellant in case of any claim by Subir Sarkar, one of the sons of Usha Ranjan Sarkar in respect of the award within two weeks from date. In addition to the aforesaid, Shri Avijit Sarkar and Smt. Shraddha Sarkar shall execute separate indemnity bond in favour of the Chief Engineer, National Highway, P.W. (Roads), Directorate within two weeks from date, in default, the impugned order shall revive.

The appeal is allowed in part subject to furnishing indemnity bonds/deed of indemnity.

Accordingly, the appeal (APO/99/2022) and the application (IA No.GA/1/2022) stand disposed of.

**(SOUMEN SEN, J.)**

**(UDAY KUMAR, J.)**