

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)**

**F.M.A.T 43 of 2024
With
CAN 1-3 of 2024**

Mahendra Agarwal & Ors.

Vs.

Sanjay Kansal & Ors.

**Mr. Rupak Ghosh
Mr. Jayanta Sengupta
Mr. Sanjib Bandyopadhyay
Mr. Sounak Banerjee
Mr. Anamika Karmakar** ... **For the Appellants/Petitioners.**

**Mr. Anirban Ray
Mr. Aniruddha Mitra
Mr. Aditya Chakraborty
Mr. Anirban Ghosh** **For the Respondents.**

Re: CAN 1-3 of 2024

The interim application, after filing of affidavits is scheduled to be heard by the learned court below on 10th May, 2024.

We are of the opinion that we should not keep this appeal pending in this court and that all the issues involved here and those in the interim application can be disposed of by the learned judge of the said learned court.

Furthermore, our interim order made on 22nd February, 2024 adequately protects both the parties pending decision in the said application.

S.D.

We accordingly direct that the learned judge shall proceed to hear out the interim application and dispose of the same by two months from the date of commencement of hearing ie. 8th May, 2024 or so soon thereafter,

preferably.

The interim order dated 22nd February, 2024 along with the additional order that the status quo with regard to the shares in the four companies involved as mentioned in our said order shall continue till the disposal of the interim application, subject to the order that may be passed by the learned judge.

Mr. Anirban Ray, learned advocate appearing for the respondents assures the court on instruction that his client would not carry out any construction activity on the site till disposal of the interim application.

All points are kept open before the learned court below.

We also clarify that we have not gone into the correctness of the report of the joint special officers.

The facts mentioned therein are also kept open before the learned court below.

The appeal (FMAT 43 of 2024) and the connected applications (CAN 1 of 2024, CAN 2 of 2024 and CAN 3 of 2024) are disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

