

13-02-2024
Item no.2 & 3 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

CAN No.3 of 2023
and
CPAN No.1510 of 2023
Soumyendra Kishore Roy Choudhury & Anr.
-vs-
Rakesh Kumar Sahoo & Ors.
in
FAT No.58 of 2022
The Orissa Minerals Development Company Limited
(OMDC)
-vs-
Soumyendra Kishore Roy Chowdhury & Ors.

Mr. Swarup Banerjee
Mr. H.C. Yadav ...for the appellant

Mr. Sanjib Kumar Mal
Mr. Sapatarshi Kumar Mal
Mr. Raja Xavier ...for the respondents /CPAN

Ms. Rama Roy Chowdhury ...Receiver

We have been handed up a statement issued by State Bank of India, Kolkata High Court SPB Branch. According to it, the balance amount in the hands of the Receiver is Rs.18,466/-.

The remuneration directed to be paid to the Receiver by our earlier order was Rs.20,000/-. According to our direction, this remuneration was to be appropriated from the Receiver's bank account. After making all payments, the above is the bank balance. It falls a little short of Rs.20,000/-.

In the circumstances, we direct the Receiver to close the bank account and appropriate the entire sum lying in the account.

We grant the Receiver a terminal remuneration of Rs.300 GMs to be shared equally by the parties. Hence Rs.25,000-Rs.18,466/- = Rs.6,534/- is to be paid by the parties to the Receiver in equal share – the appellant representing one share and the respondents-decree holders together representing one share.

The Receiver is discharged.

The death of Archita Roy Choudhury, the respondent no.2, be recorded and her name be deleted from the cause title. She was a spinster. Her legal heirs and representatives being her brothers and sisters are impleaded as parties.

The application (CAN No.3 of 2023) is, thus, disposed of.

The contempt application (CPAN No.1510 of 2023) filed by the respondents is also disposed of without initiating any steps.

The appeal is ready for hearing on filing of paper books.

List the appeal for hearing on 29th February 2024.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]

