

ORDER SHEET

ATA/1/2024

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

IN THE MATTER OF :
ALPANA TRUST
-AND-
ALPANA DALMIA AND ANR.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : April 24, 2024.

Appearance:
Mr. Rupak Ghosh, Adv.
Mr. Ashis Kr. Mukherji, Adv.
Mr. Sourojit Dasgupta, Adv.
Mr. S. Prasad, Adv.
... for the petitioners

The Court: Mr. Rupak Ghosh, learned counsel, is appearing for the petitioners.

The petitioners have filed the present application praying for discharge of trustee Rani Goenka as the sole trustee of Alpana Trust and to appoint the petitioners as new trustees.

By the Indenture of Settlement dated 21st April, 1968 Sri Uma Shankar Goenka was appointed as the trustee of Alpana Trust. After the death of Uma Shankar Goenka, Smt. Rani Goenka has become the sole trustee of the Alpana Trust. Now the sole trustee Rani Goenka is 81 years of age and her health condition does not permit to continue to discharge her responsibilities in managing the Trust effectively and accordingly, a resolution was passed on 10th February, 2024 by allowing Mrs. Rani Goenka to be discharged as trustee and to be relieved from performing all

her duties as trustee of Alpana Trust and it was also resolved that Mr. Piyush Goenka and Mrs. Alpana Dalmia, being the only beneficiaries of the Trust, shall consequently take all necessary action and steps for appointment of fresh trustee/trustees of the said Alpana Trust. On the basis of the said resolution, the petitioners have filed the present application.

From the Indenture it is crystal clear that the petitioners are the grandson and the granddaughter and the present trustee is not in a position to continue as a trustee and to look after the responsibilities and management of the Trust and thus this Court finds that there is no impediment for discharging Mrs. Rani Goenka as trustee and to appoint the petitioners, namely, Mr. Piyush Goenka and Mrs. Alpana Dalmia as new trustees of the Alpana Trust.

Taking into consideration of the Indenture of Settlement and the resolution dated 10th February, 2024, the petitioners are appointed as trustees of Alpana Trust from the date of this order and Mrs. Rani Goneka is discharged as trustee of the Alpana Trust with immediate effect.

In view of the above ATA/1/2024 is disposed of.

(KRISHNA RAO, J.)