

ODC-12

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

AP-COM/772/2024
IA NO: GA-COM/1/2024

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED
VS
SAIF AHMED AND ANR

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 24th September, 2024

Appearance:

Ms. Reshmi Ghosh, Adv.

Mr. Ranjib Singh, Adv.

Ms. Pooja Sett, Adv.

Mr. Ratul Deb Banerjee, Adv.

Ms. Kaberi Mukherjee, Adv.

...for petitioner.

Ms. Saguta Saba Yasmin, Adv.

...for respondent.

Ms. Shamolima Sarkar, Adv.

...for Receiver.

The Court:- The report filed by the learned Receiver be kept on record. It transpires that possession of the vehicle has been taken by the Receiver. The learned Receiver also submits that the condition of the vehicle is extremely poor and virtually only the chassis and the engine, as well as the front portion of the vehicle, are in workable condition.

The photographs annexed to the report bear out the said submission of the learned Receiver. The learned Receiver further submits that the vehicle has been parked in a parking space provided by the petitioner. Page 24 of the report also contains the inventory.

Since the condition of the vehicle is ruinous, no useful purpose would be served in keeping the present application pending. Accordingly, AP-COM/772/2024 is disposed of.

Liberty to the petitioner to initiate arbitral proceedings in terms of the arbitration clause between the parties and also to seek further orders in respect of the asset before the arbitrator. In view of the above order, GA-COM/1/2024 is disposed of as infructuous.

No order as to costs.

(SABYASACHI BHATTACHARYYA, J.)

SK.