

APOT No. 323 of 2024
With
CP/40/2009
IA No. ACO/1/2024

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APARNA LIGHTNING (INDIA) PVT. LTD. (IN LIQN.)
AND
N. KRISHNA MOORTHY
VERSUS
OFFICIAL LIQUIDATOR AND ANR.

BEFORE:
The Hon'ble JUSTICE SOUMEN SEN
And
The Hon'ble JUSTICE AJAY KUMAR GUPTA
Date: 7th November, 2024.

Appearance:
Mr. D. N. Sharma, Adv.
Mr. Jishnu Chowdhury, Adv.
Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
For the Appellant.

Mr. Om Prakash Rai, Adv.
For the Indian Bank.

Mrs. Smita Das De, Adv.
For the respondent no.1/Official Liquidator.

The Court :- The petitioner was the erstwhile Official Liquidator. It is submitted that leave may be given to file an appeal against the order passed by learned Single Judge on 19th April, 2023. In so far as it records that the Official Liquidator chooses not to press prayer (b) of the Summons seeking directions to refund the balance funds lying with the Allahabad Bank along with interest at this stage of the proceedings.

Admittedly, the present applicant was not the Official Liquidator on 19th April, 2023. It is for the Official Liquidator-in-Charge to decide the reliefs to be claimed in the pending proceeding notwithstanding the undoubted power the company court retains with regard to any direction that may be passed in the liquidation proceedings.

Learned counsel for the Official Liquidator submits that an application has been filed for recalling and/or modification of the said direction and the Official Liquidator is in need of fund out of which the liquidation proceedings can be effectively completed.

Learned counsel for the Official Liquidator submits that the FIR was lodged by the present applicant in the capacity as an Official Liquidator, however, when the order was passed by the learned Single Judge he had retired by that time.

In view of the aforesaid, we do not wish to pass any further order in this proceeding. It is needless to mention that the applicant has no right to challenge the order.

Since we are of the view that the said order does not affect the present applicant, the prayer for leave to prefer an appeal is rejected.

(SOUMEN SEN, J.)

(AJAY KUMAR GUPTA, J.)