IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/213/2023
WITH
WPO/1462/2023
IA NO:GA/1/2024
KOHLBROS INTERNATIONAL COMMUNICATIONS PVT. LTD.
VS.
SUMIT KUMAR DATTA AND ORS.
with

APOT/20/2024
IA NO:GA/1/2024
SONIA ARORA
VS.
SUMIT KUMAR DATTA AND ORS.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE PARTHA SARATHI SEN
Date : February 13, 2024.

Mr. Altamash Alim, Adv.
Mr. Sumit Biswas, Adv.
Ms. Rajashree Bhowmick, Adv.
…for Appellant
Mr. Sakya Sen, Adv.
Ms. Labanyasree Sinha, Adv.
Mr. Debdeetta Dutta, Adv.
…for Respondent no.1
Mr. Alak Kumar Ghosh,Adv.
Mr. Biswajit Mukherjee, Adv.
Mr. S. K. Debnath, Adv.
...for the KMC

RE: APO/213/2023, IA NO:GA/1/2024

The Court: Read order dated February 5, 2024. In that order we had recorded that KMC has calculated the appellant's share of outstanding property tax at Rs.20,45,015/-. We had also indicated that we may de-freeze the appellant's bank account subject to the appellant depositing the said amount with KMC immediately.

Today, Mr. Alim, learned advocate for the appellant, has come back with written instruction in the form of an email dated February 12, 2024, to the effect that the aforesaid amount will be deposited with KMC within 60 days. Let the written instruction be kept with the records.

The appellant will be at liberty to deposit the aforesaid amount of Rs.20,45,015/- with KMC within 60 days from date without prejudice to its rights and contentions. Upon such deposit by way of demand draft or banker's cheque or cash, the bank account of the appellant will immediately stand de-frozen and the appellant shall be entitled to operate such account. KMC shall also remove the padlock and unseal the premises of the appellant. However, if the payment is tendered by way of account payee cheque, this order of de-freezing of the appellant's bank account and unsealing of the premises in question shall take effect only upon encashment of the cheque.

Mr. Alim, learned advocate for the appellant, says that henceforth the appellant shall deposit its share of property tax directly with KMC. He further says that KMC should withdraw the proceedings under Section 138 of the Negotiable Instruments Act, 1881, which was initiated upon a previous cheque tendered by the appellant being dishonoured.

We are sure that KMC shall take a prudent decision in that regard after having received the aforesaid payment.

The writ petition is pending before the learned Single Judge. We do not see any purpose of keeping this appeal pending. The appeal and the connected application are, accordingly, disposed of keeping all other points open to be decided by the learned Single Judge.

Re : APOT/20/2024, IA NO:GA/1/2024

In so far as APOT/24/2024 is concerned, no body appears to press the appeal or the connected application.

The appeal and the connected application are dismissed for default.

(ARIJIT BANERJEE, J.)

(PARTHA SARATHI SEN, J.)

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