

Court No. 6
(265719)

05.03.2025
(AD 34)
(S. Banerjee)

CO 367 of 2025

M/s. Eastern Coalfields Ltd.
Vs.
M. Alam @ Mahfooz Alam & Ors.

Mr. Debnath Ghosh, Sr. Advocate
Mr. Biswaroop Mukherjee
Mr. N. Banerjee
Mr. P. Basu

...for the petitioner

Mr. Dyutiman Banerjee
Mr. Debayan Roy

...for the opposite party

This application under Article 227 of the Constitution of India is at the instance of a judgment-debtor challenging an order dated December 21, 2024 passed by the learned Civil Judge (Sr. Division) 1st Court, Asansol, Paschim Bardhaman in Title Execution Case No. 4 of 2005.

By the order impugned the account being no. 11214096108 in the name of Eastern Coalfields Limited lying at State Bank of India, Bijay Pal Sarani Branch was attached in respect of an amount of Rs. 9,51,679/-.

On February 25, 2025 this Court passed an order, the part of which is extracted hereinbelow:

“Mr. Ghosh, learned senior advocate, on instruction, further submits that the Eastern Coal Field Limited shall secure the said account as a condition for lifting the order of attachment. Such prayer has to be considered after the opposite party appears before this court.

As prayed for by Mr. Ghosh, learned senior advocate for the petitioner, leave is granted to the petitioner to file supplementary affidavit annexing the order dated 15th February, 2025. Let such supplementary affidavit be filed by 27th February, 2025.

The petitioner is directed to serve a copy of this application along with the copy of the supplementary affidavit upon the opposite parties by sped post with acknowledgement due and file affidavit of service on the next date.

There shall be an order restraining the Chief Manager, SBI, Bijay Pal Sarani Branch, from paying the amount as directed by the order dated 15th February, 2025 in court till 7th day of March, 2025 or until further orders whichever is earlier. The said interim order shall be subject to the condition that the petitioner shall retain the aforesaid amount in the bank account and shall file an affidavit stating that the sum of Rs. 9,51,679/- shall be kept in the balance of Account No. 11214096108.”

Pursuant to the said order a supplementary affidavit has been filed which was affirmed on February 28, 2025. It has been specifically stated therein that the directions contained in the order dated February 25, 2025 has been complied with.

Mr. Banerjee, learned advocate appears for the opposite parties. He submits that the petitioner is trying to drag the execution proceeding and a direction should be passed upon the learned executing court to dispose of the execution case expeditiously.

After hearing the learned advocates for the respective parties this Court feels that instead of retaining the aforesaid amount in the bank account of Eastern Coalfields Limited, ends of justice would be subserved if the ECL is permitted to make a term deposit fetching the highest rate of interest, of the aforesaid sum in respect of which the order of attachment was passed with State Bank of India, Bijay Pal Sarani Branch, Asansol in the name of ECL and shall renew the same from time to time.

Let such term deposit be made within a fortnight from date and the original of such term deposit shall be placed before the learned executing court and a photocopy of the same shall be supplied

to the learned advocate representing the opposite parties in the executing court.

Upon the said term deposit being filed before the learned executing court, the order of attachment passed by the learned executing court by the order impugned shall stand vacated.

The learned Civil Judge (Sr. Division) 1st Court, Asansol, Paschim Bardhaman, is requested to dispose of the Title Execution Case No. 4 of 2005 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

With the aforesaid orders, CO 367 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)