

AD-02
Ct No.16
19.03.2025
TN

FMA 1402 of 2024

Sar Parivahan Private Limited
Vs.
Eastern Coalfields Limited and others

Mr. Debdut Mukherjee,
Mr. Kritin Saraf

....for the appellant

Mr. Arindam Mandal,
Ms. Swati Agarwal

....for the respondent nos.1 to 4

1. The matter relates to an order passed by a coordinate Bench on March 05, 2025 and has been mentioned before us since the determination of the said Bench has been given temporarily to us.
2. By the said order, the appellant had been directed to deposit Rs. 30 lakh in the trial court, that is, the Commercial Court at Asansol, within a fortnight from that date, which expires today.
3. However, when the appellant attempted to deposit the same, it was discovered that the Asansol Commercial Court does not have the infrastructure to accept such deposit. Accordingly, learned counsel for the appellant submits that the order may be modified to the limited extent that the deposit be made with the Registrar, Original Side of this Court.

4. Although we are aware of the prevailing practice of our court that if a modification of an order of a particular Bench is sought, it is the self-same Bench which has to so modify, in the peculiar facts and circumstances of the case, since the regular Bench is not available and the determination of the said Bench has been given to us temporarily and also keeping in view the urgency, since the last date for the deposit expires today, we modify the order dated March 05, 2025 to the limited extent that the deposit of Rs. 30 lakh shall be made before the Registrar, Original Side of this Court by extending the time for such deposit for a week from date.
5. Upon such deposit being made, the same will be treated to be a deposit in compliance with the order dated March 05, 2025. It is made categorically clear that we are not touching the other parts of the order dated March 05, 2025.
6. Upon such deposit being made, the learned Advocate-on-record for the appellant shall intimate the fact of such deposit and the date of the same to the learned Advocate-on-record for the respondents.
7. It is further clarified that the learned Registrar, Original Side, upon such deposit being made, shall comply with the part of the order dated March 05, 2025 to the extent that the said amount will be invested in terms of the said order as if the learned Registrar, Original Side is acting as the trial court to such limited extent.

8. Let the matter now be placed before the regular Bench for hearing.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)