

OCD 6

ORDER SHEET
AP-COM/135/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED
VS
SANJAY KAR AND ANR.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 10th July, 2025.

Appearance:
Ms. Shrayshee Das, Adv.
Mr. Rohan Kumar Thakur, Adv.
Mr. Tridibesh Dasgupta, Adv.
. . .for the petitioner.

Mr. Priyankar Saha, Adv.
Ms. Srijani Mukherjee, Adv.
Mr. Lal Ratan Mondal, Adv.
. . .for the respondents.

The Court: The matter was listed today at the instance of the borrower/respondent, for release of the articles belonging to a third party which was loaded in the vehicle at the time of seizure of the vehicle by the learned Receiver.

Considering the submissions made by the parties and the inventory list prepared by the Receiver upon taking repossession of the vehicle, it appears that there are some manganese ore in the truck/vehicle seized. The invoice number is also mentioned in the inventory list. Admittedly, such goods are not the property of the finance company.

As the learned receiver is unwell, the Court authorizes a representative of the finance company to hand over the goods to the respondent and/or the

authorized representative of the respondent in the presence of the police authorities of the local police station. Proper inventory shall be made. The goods will be released as per the invoice.

The list of inventorized article shall be maintained by both the parties and with the local police station. The minutes will be prepared and handed over to Court.

The Court makes it clear that the vehicle will be retained by the Finance Company, but shall be maintained in the present condition. The same shall not be alienated or transferred. The nature and character of the same shall not be changed.

The petitioner will take steps for constituting an arbitral tribunal and/or appointment of a sole Arbitrator in accordance with law. Any further prayer of the parties for interim measures/protections and mandatory orders for release of vehicle etc., shall be made before the learned Arbitrator.

AP-COM 135 of 2025 is, accordingly, disposed of.

The learned Receiver is discharged.

(SHAMPA SARKAR, J.)

Sp/