

OD-1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IA NO. ACO/2/2025
With
CP/381/2005
In
APOT/62/2025

MESSERS GLOBAL FINANCE CORPORATION LIMITED
VS.
RESERVE BANK OF INDIA

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
AND

The Hon'ble JUSTICE OM NARAYAN RAI

Date : 26th February, 2026

Appearance:

Mr. Aniruddha Mitra, Sr. Adv.

Mr. Aditya Chakraborty, Adv.

Mr. Anirban Ghosh, Adv.

...for the petitioner

Mr. D. K. Kundu, Adv.

Mr. Arjun Basu, Adv.

...for the RBI

Dictated by Arijit Banerjee, J.

The Court: This application has been taken out on behalf of the appellant/petitioner for modification of an order dated April 16, 2025, passed by us disposing of APOT/62/2025.

The relevant facts of the case would appear from the order dated April 16, 2025 and to avoid prolixity, we do not want to repeat the same.

By the order dated April 16, 2025, we had allowed prayers (d), (e) and (f) of the stay petition which read as follows:

- “d) The Learned Special Officer appointed in C.P. No.381 of 2005 be directed to disburse an amount of Rs.56 lakhs or such sum as may be available/directed for payment to the depositors above Rs.25,000/- who satisfactorily lodged their claim on a pro-rata basis in comparison to the total amount deposited by such individual depositors, after compliance of all formalities;*
- e) The Learned Special Officer be granted liberty to take his remuneration from the funds lying in his hands;*
- f) The disbursements be made within a period of 8 months from the date of the order.”*

Learned advocate for the applicant says that it has now transpired that the amount of money that the Special Officer has in his hands will be sufficient to pay off all the depositors above Rs.25,000/-, in full, without interest. Therefore, the earlier order should be modified by allowing the Special Officer to disburse the entire principal sum, without interest and not only *pro-rata*.

Learned advocate further says that the time to disburse the amount should be extended by three months from date.

Learned advocate further says that liberty should be granted to the petitioner to approach the Learned Single Judge, in future, if any further order is required. The company petition is still pending before the Learned Single Judge.

Learned advocate for Reserve Bank says that Reserve Bank has no objection if an order is passed in terms of the prayers in this application. Written instruction filed by the learned advocate be kept with the records.

Having considered the facts and circumstances of the case, we see no reason to disallow this application.

There will be an order in terms of prayers (a) and (d) of the petition which read as follows:

“a) The order dated 16th April, 2025 passed by the Division Bench of Hon’ble Justice Arijit Banerjee and Hon’ble Justice Om Narayan Rai in APOT NO.62 of 2025, C.P. No.381, IA/ACO 1 of 2025 be modified to the extent that the Learned Special Officer to disburse the full principal amount without interest to all the depositors who have satisfactorily lodged their claim;

d) Liberty be granted to the petitioner/company to approach the Hon’ble Company Judge for further orders as may be required;

Further, the time for the Special Officer to disburse the amount to the concerned depositors is extended by three months from date. After completion of the disbursal, a comprehensive report be filed before the Learned Company Judge by the Special Officer.

ACO/2/2025 is disposed of.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)