

OCD 7

ORDER SHEET  
AP-COM/519/2024  
IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMMERCIAL DIVISION

SREI EQUIPMENT FINANCE LTD.  
VS  
M/S RANCHI MSW PVT. LTD. AND ANR.

BEFORE:  
The Hon'ble JUSTICE SHAMPA SARKAR  
Date: 29<sup>th</sup> January, 2025.

*Appearance:*  
*Mr. Swatarup Banerjee, Adv.*  
*Mr. Sariful Haque, Adv.*  
*Mr. Saubhik Chowdhury, Adv.*  
*Ms. Tapasika Bose, Adv.*  
*...for the petitioner*

*Mr. Ramendu Agarwal, Adv.*  
*Ms. Sonia Das, Adv.*  
*...for the Ranchi Municipal Corporation*

The Court: Affidavit of service is taken on record. It appears that the respondent/borrower has received all the orders passed in the present application.

Despite service, none appears on behalf of any of the respondent/borrower.

In the order dated 20<sup>th</sup> January, 2025, the appearance of the respondent had wrongly gone down. The learned advocates Mr. Meghajit Mukherjee, Mr. Ramendu Agarwal and Ms. Kushi Khaitan appeared on behalf of the Ranchi Municipal Corporation, a third party in favour of which the assets purchased on the loan extended by the petitioner, had been deployed by the borrower. The

orders passed by the learned Single Judge and the Division Bench clearly indicate that the respondent did not participate in the proceedings, despite service.

The Ranchi Municipal Corporation which is represented by learned advocates appeared before the Division Bench and by order dated September 3, 2020, the appeal was disposed of directing Ranchi Municipal Corporation to deposit a sum of Rs.4 crores by bank draft in favour of the petitioner. In default, the learned Receiver who was already appointed was directed to take physical possession of the assets. The appeal was filed by the petitioner, from an order was passed by the learned Single Judge in an application under Section 9 of the Arbitration and Conciliation Act, 1996. The petitioner was granted liberty to accept the amount of Rs.4 crores and the Trial Court was directed to dispose of the matter by confirming the sale in favour of the Ranchi Municipal Corporation at Rs.4 crores. On the strength of the said order, the application under Section 9 of the Arbitration and Conciliation Act, 1996 has been filed being AP-COM/519/2024, which is before this Court.

Mr. Swatarup Banerjee, learned advocate appearing for the petitioner submits that on the strength of the order of the Hon'ble Division Bench, learned Receiver should be directed to confirm the sale in favour of the Ranchi Municipal Corporation by issuing the sale certificate. Upon execution of the sale certificate and upon transfer of the assets to Ranchi Municipal Corporation, the bank draft which has been deposited with the petitioner, amounting to Rs.4 crores, shall be encashed.

From the tenor of the order of the Hon'ble Division Bench, it is clear that the Ranchi Municipal Corporation was only required to pay Rs.4 crores for the

said assets. Thus, nothing further is payable by Ranchi Municipal Corporation, towards the sale of the assets.

The learned Receiver is directed to issue a sale certificate confirming the sale and transfer of the subject assets in favour of the Ranchi Municipal Corporation as per the invoices to be supplied by the petitioner.

It is made clear that the Ranchi Municipal Corporation, which is already in possession of the assets, shall now become the owner of the same upon issuance of the sale certificate. The petitioner shall be entitled to encash the bank draft immediately upon issuance of such certificate. The petitioner shall comply with all formalities, and undertake statutory compliances, if any.

The petitioner shall further pay a sum of Rs.50,000/- as the remuneration of the learned Receiver, upon completion of the entire process. After the entire exercise is over, the learned Receiver shall stand discharged.

The application is, accordingly, disposed of.

(SHAMPA SARKAR, J.)