

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

APOT/254/2025
WITH
CS-COM/649/2024
IA NO: GA-COM/1/2025

KARNANI CONSTRUCTIONS AND ORS
VS
STRONG TOWERS PVT LTD.

AND

APOT/255/2025
WITH
CS-COM/650/2024
IA NO: GA-COM/1/2025

KARNANI CONSTRUCTIONS AND ORS
VS
KAMALESH MOHTA

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE OM NARAYAN RAI

Date : October 29, 2025.

Appearance:

Mr. Rachit Lakhmani, Adv.

Ms. Pooja Sah, Adv.

..for the appellant

Mr. Sourojit Dasgupta, Adv.

Mr. Aasish Choudhury, Adv.

Ms. Uma Bagree, Adv.

..for the respondents

Dictated by Arijit Banerjee, J.

The Court: Read order dated September 26, 2025.

Learned advocate for the plaintiff says that his client is not agreeable to accept the property in question as security and to the lifting of the order of injunction on the bank account of the appellants.

We have gone through the order impugned in these appeals. The Learned Judge rejected the supplementary affidavit of the appellants /defendants observing as follows:

“2. Counsel for the plaintiff raised objection with regard to the description of the properties which the defendants have disclosed in the supplementary affidavit.

3. This Court also fails to understand whether the properties acquired by the defendants or whether the properties are commercial properties or whether the properties are mortgaged to any other bank or any other financial institution.

4. In view of the above, this Court is not inclined to accept the supplementary affidavit filed by the defendants.

5. This Court also finds that since beginning this Court has directed the defendants to file statement of accounts but the defendants have only disclosed the details of one bank account in which only Rs.1,00,000/- is standing in the name of the defendants and the defendants have failed to disclose the details of the other six accounts.

6. Considering the above, this Court finds that the defendants are not inclined to furnish the statement of accounts which the plaintiff has disclosed in paragraph 11 of the application being GA-COM/4/2025.

7. Accordingly, the order dated 19th June, 2025 is modified only to the extent that the defendants are free to operate the bank accounts subject to keeping aside an amount of Rs.94,00,000/- till further orders.”

We, therefore, see that the matter is pending before the Learned Single Judge who directed exchange of affidavits. We are told that affidavits have already been exchanged by the parties.

We are not inclined to interfere at this stage since the matter is yet to be finally decided by the Learned Single Judge. The Learned Single Judge has recorded reasons for not accepting the supplementary affidavit filed by the defendants. The defendants will be at liberty to file further affidavit before the Learned Single Judge clarifying the doubts/queries of the Learned Single Judge, as recorded in the impugned order. Such affidavit may be filed within a fortnight from date. Reply thereto, if any, be filed by the plaintiff within a week thereafter. Let the matter be listed before the Learned Single Judge on November 19, 2025 as directed by His Lordship.

The Learned Single Judge is requested to decide the issue involved in the said two applications afresh, without being influenced by any observation in the order impugned in these appeals.

The appeals and the connected applications are disposed of.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)