

ORDER

OCD-3

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

EC/224/2022

IA GA 1 of 2022

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED

VS

MADHABI MONDAL AND ANR

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 10th April, 2025.

Appearance:

Mr. Ranjit Singh, Adv.

Ms. Tutul Das Singh, Adv.

Mr. Amar Singh, Adv.

Mr. Pranit Biswas, Adv.

... for the petitioner

Mr. Priyanka Saha, Adv.

Ms. Srijani Mukherjee, Adv.

Mr. Lal Ratan Mondal, Adv.

... for the award-debtor

Mr. Abdul Hamid Moua, Adv.

... for the Receiver

The Court:- Perused the report of the learned Receiver. The Court is satisfied with the report.

This Court finds from the letter dated February 13, 2025 that one Debdas Kuri offered to purchase the vehicle pursuant to the advertisement published by the learned Receiver. The said letter was produced in Court.

The award-debtor submits that he can match the price. This prayer is being made in open Court without any affidavit from the award-debtor. It has been recorded in the order dated May 6, 2024 that the award-debtor did not have any objection to the sale of the vehicle which the receiver had taken

possession of. By order dated March 26, 2025, this Court recorded that there is a prospective buyer and that the receiver must furnish details of the document relating to such approach made by the prospective buyer. No such prayer was made by the award-debtor before the courts when the matter was taken up. My predecessor Judge has recorded in the order dated May 6, 2024 that, after appropriating the dues from the sale proceeds of the vehicle, the remaining claim of the award-holder shall be relegated to a fresh arbitration by consent of the parties.

In such circumstances, the Court does not find any reason not to allow the learned receiver to issue the sale certificate in favour of the proposed buyer in respect of the vehicle in question, being vehicle registration no. WB53C2478.

The learned receiver shall be paid a further remuneration of 500 Gms. to complete the procedure and formalities with regard to the sale of the vehicle in favour of Debdas Kuri. The payment shall be made by the award-holder in advance.

Nothing further remains to be decided in this application. Accordingly, EC 224 of 2022 is disposed of along with the connected application. The learned receiver will stand discharged after execution of the sale in favour of the buyer and completing the necessary compliances.

All parties are to act on the basis of server copy of this order.

(SHAMPA SARKAR, J.)