

09.06.2026
Court No.2
Item No.114
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

CO 1216 of 2024

**M/s Guinness Securities Limited
Vs.
Lalita Saraf & Ors.**

Mr. Aniruddha Chatterjee, Sr. Adv.
Mr. Sailesh Mishra
Mr. P. Das
Mr. T. N. Jha

...for the petitioner

1. Affidavit of service filed. Let it be taken on record.
However, no representation on behalf of the opposite parties despite being served.
2. Mr. Aniruddha Chatterjee, learned Senior Counsel for the petitioner, submits that the petitioner shall pay the cost in terms of order dated 10th January, 2024. Learned Senior Counsel submits that though the entire properties of the petitioner has been attached by the SEBI but without prejudice to such attachment the petitioner will arrange for the cost money and pay.
3. Perusal of the record indicates that initially the learned Judge, Commercial Court at Alipore vide order no. 40 dated 3rd February, 2024 rejected the IA No. 21 of 2023 for non-compliance of the order dated 10th January, 2024. Subsequently, another IA No. 22 of 2024 was also rejected by the learned Trial Court vide

order dated 22nd February, 2024 which was moved for recalling the order dated 3rd February, 2024.

4. Learned Senior Counsel for the petitioner submits that main contention of the petitioner is that the execution petition is not maintainable at all and that issue is pending disposal before the learned Judge, Commercial Court.

5. In view of the submissions made at bar that the petitioner shall deposit the cost. The learned Trial Court is directed to consider and decide the issue as to the maintainability of the execution petition in accordance with law after giving the parties the opportunity of being heard subject to the payment of Rs.5000/- imposed vide order dated 10th January, 2024.

6. In view of the above, the present matter stands disposed of.

7. Learned Trial Court shall decide the issue of maintainability expeditiously in accordance with law subject to the payment of cost.

8. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)