

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Supratim Bhattacharya

**F.M.A. 1549 of 2025
IA No: CAN 1 of 2025**

**August Agents Limited
Vs.
Sushil Kumar Daga and others**

With
**F.M.A. 1550 of 2025
IA No: CAN 1 of 2025**

**Laneseda Agents Limited
Vs.
Sushil Kumar Daga and others**

With
**F.M.A. 1551 of 2025
IA No: CAN 1 of 2025**

**Insilco Agents Limited
Vs.
Sushil Kumar Daga and others**

For the appellants	:	Mr. Abhrajit Mitra Mr. Chayan Gupta Mr. Satadeep Bhattacharyya Mr. Abhijit Sarkar Mr. Pourush Bandyopadhyaya
For the respondent Nos.1, 2, 3 & 4	:	Mr. Aniruddha Chatterjee Mr. Sankarsan Sarkar

Mr. Debartha Chakraborty
Ms. Siddhi Agarwal

For the respondent no.5 : Mr. Sayan Roy Choydhury

Heard on : 06.01.2026

Judgment on : 06.01.2026

Sabyasachi Bhattacharyya, J.:-

1. The appeals are admitted and are taken up for hearing, in view of the short conspectus involved.
2. The present appeals arise out of the refusal to grant the *ad interim* prayer of the plaintiff/appellant for appointment of a receiver to take the custody of certain documents which are allegedly in the possession of the defendants/respondent nos.1 to 3.
3. Learned senior counsel appearing for the appellants submits that the defendants/respondent nos.1 to 3 were erstwhile Directors of the appellant-Company.
4. However, the said defendants have already been removed and/or ceased to hold office as Directors in the plaintiff-Company.
5. Despite such removal/cessation, the defendants are retaining important documents belonging to the plaintiff-Company, which is creating a major impediment in statutory compliances by the appellant-Company.

6. Learned counsel appearing for the respondent no.5, which is the holding company having 100 per cent shares in the plaintiff-Company, submits that several statutory compliances required to be undertaken by respondent no.5 are also being held up due to the unlawful retention of such documents by the respondents.
7. Learned senior counsel appearing for the respondents submits that for appointment of a receiver at an *ad interim* stage, an extremely high case has to be made out.
8. Since the defendants/respondents have not got any opportunity to place their defence before the learned Trial Judge as yet, the learned Trial Judge was justified in refusing to grant *ad interim* order at this stage.
9. Upon a perusal of the materials-on-record and having heard learned counsel, we find that it would be premature for this court to interfere with the impugned order at this stage.
10. In order to appoint a receiver, an extremely high case has to be made out, at least at the ex parte *ad interim* stage.
11. Although we find grave urgency on the part of the plaintiff/appellant as per the pleadings in the plaint and the injunction application, which are the only averments to be looked into at the *ad interim* stage, this court is of the opinion that the remedy of appointment of a receiver would, to some

extent, tantamount to granting a substantive ingredient of the final relief of mandatory injunction sought in the suit.

- 12.** However, if an opportunity is given to the defendants/respondents to controvert the contentions raised in the receiver application before the learned Trial Judge, such threshold impediment would be removed.
- 13.** Hence, we are of the opinion that the learned Trial Judge ought to dispose of the receiver application itself at an early date, to facilitate which we intend to pass directions for filing of written objections on the defendants.
- 14.** Accordingly, FMA 1549 of 2025, FMA 1550 of 2025 and FMA 1551 of 2025 are disposed of without interfering with the impugned order dated August 14, 2025 passed by the learned Judge, Sixth Bench, City Civil Court at Calcutta in Title Suit No. 1764 of 2025, by directing the defendants/respondents to file their written objection to the application for appointment of receiver by January 14, 2026 before the trial court. Reply thereto, if any, shall be filed by January 17, 2026.
- 15.** The learned Trial Judge is requested to dispose of the receiver application itself, upon giving adequate opportunity of hearing to both sides, by January 31, 2026.
- 16.** It is made clear that while deciding the receiver application finally, the learned Trial Judge shall not be influenced in any

manner by any of the observations made in the impugned order dated August 14, 2025 or by this court on the merits of the case and shall decide the said application independently on its own merits.

- 17.** CAN 1 of 2025 is disposed of consequentially as well.
- 18.** There will be no order as to costs.
- 19.** Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)

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