

**IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE**

Present:

The Hon'ble Justice Sugato Majumdar

**CS/255/2022
DEBANJAN DATTA
VS
WEBCON CONSULTING (INDIA) LIMITED**

For the Plaintiff	:	Mr. Rupak Ghosh, Adv. Mr. Jayanta Sengupta, Adv. Mr. Saunak Banerjee, Adv. Mr. Rahul Auddy, Adv. Mr. Aditya Goopta, Adv. Mr. Arpan Laha, Adv.
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Hearing concluded on	:	10/03/2026
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Judgment on	:	19/03/2026
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Sugato Majumdar, J.:

The instant suit was filed by the Plaintiff, praying for recovery of money on account of unpaid salary along with other relief.

The Plaintiff was appointed as Managing Director of the Defendant company in terms of the letter of appointment dated 13th July, 2011. The Defendant is a public limited company.

Once the Plaintiff was appointed as the Managing Director, he took steps for rejuvenating and revitalizing the financial health of the Defendant company. It was

only after induction of the Plaintiff as Managing Director that the companies started showing better result in terms of the revenue increase.

In order to facilitate and ease out the working capital constrains of the Defendant company, the Plaintiff abstained from drawing a part of salary and perquisites from the Defendant. In fact, the Defendant had also acknowledged such gesture of the Plaintiff and had expressed gratitude by adopting several Board resolutions recording that the Plaintiff had not withdrawn such salaries or perquisites payable to the Plaintiff.

The salary of the Plaintiff was enhanced by Board resolutions. After superannuation of the Plaintiff, more than one crore rupees remain outstanding and payable by the Defendant to the Plaintiff particulars of which are given herein below:

Sl. No.	Particulars	Amounts in Rupees
1.	Outstanding Salary	9,00,000
2.	Outstanding Perquisites	20,00,000
3.	Leave Encashment	4,50,004
4.	Gratuity	2,79,806
5.	Interest @ 18% p.a. on and from 31/07/2016	64,63,039
	Total	Rs.1,00,92,835

It was also averred in the plaint that few staff of the Defendant uploaded, tampered, false and fabricated minutes of meeting of the Defendant company on 22nd September, 2014 which was in the web portal of the Ministry of Corporate Affairs on 21st November, 2014. The Plaintiff, therefore, filed the instant suit, praying for

recovery of a sum of Rs.1,00,92,835/- damages of Rs.20,00,000/- along with other prayers.

A writ of summons were served upon the Defendant but did not file written statement for which the suit became undefended.

The Plaintiff adduced oral as well as documentary evidences including various Board Resolutions, Appointment Letter which were marked as Ext.A to Ext. Q. These documentary evidences as well as the oral evidences established the claim of the Plaintiff.

Unchallenged testimony of the Plaintiff established and that the Plaintiff is able to prove the claim and that the Plaintiff is entitled to the money decree as prayed for in Prayer (a). However, this Court doesn't think it proper to allow the decree for damages.

Let the suit be partly allowed and Plaintiff do get a decree for sum of Rs.1,00,92,835/- with interest at a rate of 12% per annum. The interest shall be payable from the date of institution of the suit till recovery. The Defendant shall pay the decretal amount within three months from the date of drawing up of the decree. In case of failure, the Defendant shall be liable to pay additional 3% penal interest from the expiry of the said period on the principal and interest capitalized from that date of the default.

Let the decree be drawn up.

The instant suit stands disposed of.

(Sugato Majumdar, J.)