

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1059118

Court : Kolkata

Decided On : Jan-04-2012

Judge : Sanjib Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CP No.571 of 2010 IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION IN THE MATTER OF: SHAUN AUTOMOBILES PVT.LTD.AND ORIENT FANS (PROP.

ORIENT PAPER & INDUSTRIES LTD.) BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date :

4. h January, 2012.

Appearance: Mr.D.Basak, Adv.Mr.K.Choudhury, Adv.Mr.V.Jhunhunwala, Adv.Mr.Ratnanko Banerjee, Adv.Mr.Debnath Ghosh, Adv.The Court : The parties through counsel representing them agree that the company will pay off the outstanding licence fees as at August, 2010, inclusive of interest and costs, of Rs.10 lakh to the petitioner in three equal or nearly-equal monthly instalments beginning February 1, 2012 and payable by the fiRs.day of the two succeeding months.

The parties also agree that the company will carry on paying occupation charges to the petitioner at the rate last paid (Rs.1,46,191.62) from September, 2010 till the company continues to occupy the premises or till such time that the reference is decided.

The parties have further agreed that with effect from May, 2012, the company shall pay occupation charges for the current month together with one months arrears for the period between September, 2010 and January, 2012.

The current payments for the month of February, 2012 will be paid by the 15th of the month.

The agreement between the parties is without prejudice to the rights and contentions of the parties in the pending arbitral reference and will be subject to whatever may ultimately be found to be due to the petitioner herein in couRs.of the reference.

Subject to the above, CP No.571 of 2010 will remain permanently stayed.

In default of payment of any of the instalments relating to the arrears for the period upto August, 2010, the petition will stand admitted and advertisements will be published once in The Statesman.

and once in Bartaman.

The advertisements should indicate that the matter will appear before Court on the fiRs.available working day after the expiry of four weeks from the date of the publication being made.

Publication in the Official Gazette will stand dispensed with.

Urgent certified photocopies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(SANJIB BANERJEE, J.) bp.

A.R(C.R)

