

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Sep-21-2012

Judge : Sanjib Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CA No.636 of 2012 BIFR No.100 of 1991 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE IN THE MATTER OF: SCIL INDIA LTD.(IN LIQN.) Appearance: Mr.Dilip Kumar Ghosh, Adv...for the Tata Steel Limited.

BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date : September 21, 2012.

The Court : The official liquidator seeks a direction on the Officer-in-Charge of Bistupur police station and the Superintendent of Police, Purba Singbhum, Jharkhand to render assistance to the official liquidator to take possession of premises No.2, Jubilee Road, Jamshedpur, Jharkhand and the building thereat.

By an order dated December 6, 2007, the official liquidator was directed to obtain police help for taking over possession of the said premises.

The order dated December 6, 2007 was upheld in appeal on June 20, 2012 and the appellant was directed to hand over possession of the property simultaneously upon handing over of a bank draft of Rs.21.50 lakh by Tata Steel Limited.

Tata Steel Limited is represented and says that it is ready to make over the payment to Prem Narayan Garg who is in occupation of the property.

A photocopy of the bank draft has also been handed over to the official liquidator.

Accordingly, the Officer-in-Charge of Bistupur police station and the Superintendent of Police, Purba Singbhum, Jharkhand are directed to render all assistance to the official liquidator to obtain possession of the premises No.2, Jubilee Road, Jamshedpur, Jharkhand including the building or buildings thereat.

The official liquidator will, however, ascertain whether Garg is inclined to make over possession within four weeks from date.

If Garg makes over peaceful possession within such time, the official liquidator will not seek police assistance but will cause the payment to be made over to Garg immediately upon Garg making over possession of the premises to the official liquidator and executing a certificate of possession in such regard.

It is only after Garg does not comply with the official liquidators request within four weeks from date, that the official liquidator will have liberty to seek and obtain police assistance for the purpose of obtaining possession of the property.

The official liquidator will, simultaneously upon obtaining possession of the property, make over possession thereof to Tata Steel Limited by executing a certificate of possession.

Tata Steel Limited will be put the official liquidator into funds.

A sum of Rs.50,000/- should immediately be paid by Tata Steel Limited to the official liquidator for the expenses for the purpose.

C.A.No.636 of 2012, which is a letter for directions dated August 31, 2012, is disposed of accordingly without any order as to costs.

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

(SANJIB BANERJEE, J.) A/s.

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