

Vs. M/S. Sarat Chatterjee and Co. (Vsp) Ltd. and anr.

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SooperKanoon Citation : sooperkanoon.com/1060803

Court : Kolkata

Decided On : Dec-06-2012

Judge : I. P. Mukerji

Respondent : M/S. Sarat Chatterjee and Co. (Vsp) Ltd. and anr.

Judgement :

ORDER

SHEET A.P.No.933 of 2012 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE LMJ INTERNATIONAL LTD.Petitioner Versus M/S.SARAT CHATTERJEE & Co.(VSP) LTD.& ANR.

Respondents BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date :

6. h December, 2012.

For Petitioner : Mr.D.N.Sharma with Mr.K.K.Thakar & Mr.S.N.Pande, Adversus For Respondents : Mr.Nilay Sengupta, Adv.On the prima facie case noted by this Court in its order dated 5th December, 2012, the fiRs.respondent will deliver the subject goods to the petitioner on the following conditions being fulfilled by the latter : a) The petitioner will pay the admitted service charge of an amount of Rs.15,00,000/- to the fiRs.respondent.

b) A further sum of Rs.15,00,000/- has to be kept in deposit by the petitioner with their Advocate on Record in a separate interest bearing account to the credit of

this application.

This sum represents the disputed charges claimed by the fiRs.respondent.

The intimation of the creation of the above deposit in the name of the Advocate on Record for the petitioner has to be given by him to the Advocate on record for the fiRs.respondent.

c) The fiRs.respondent will deliver the goods upon fulfillment of the above conditions.

d) The above deposit will abide by any arbitral award to be passed with regard to the dispute.

If no arbitral proceedings are commenced by 30th June, 2013, the Advocate on Record for the petitioner may return the amount to his client.

Affidavit of service filed in Court is taken on record.

Leave is granted to the Advocates on Record for the parties to correct the name of the second respondent in the paperRs.This application is disposed of.

As affidavits were not called for, the allegations contained in the application are deemed not to be admitted.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

(I.P.MUKERJI, J.) K.

Banerjee A.R.[C.R.].

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