

**Biswajit Dutt and ors. Vs. the Administrator General of West Bengal**

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**SooperKanoon Citation :** [sooperkanoon.com/1085472](http://sooperkanoon.com/1085472)

**Court :** Kolkata

**Decided On :** Sep-02-2013

**Judge :** Nadira Patherya

**Appellant :** Biswajit Dutt and ors.

**Respondent :** The Administrator General of West Bengal

**Judgement :**

ORDER

SHEET ATA NO.6 OF 201.IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE BISWAJIT DUTT & ORS.Versus THE ADMINISTRATOR GENERAL OF WEST BENGAL BEFORE: The Hon'ble JUSTICE PATHERYA Date :

2. d September, 2013.

Mr.RUPAK GHOSH, MR.S.BOSE, ADVOCATES FOR PETITIONERS MR.INDRANIL NANDI, MR.D.P.SAMANTA, ADVOCATES FOR OFFICIAL TRUSTEE The Court : Although a scheme was formulated in respect of the trust of Babu Sagore Dutt, the said scheme was modified from time to time and the last modification was made by an order dated 23rd February, 2009 whereby there was an increase in the amounts which was spent during seva puja, Dol Jatra, Janmastami, Durga Puja etc.The applicants who are shebaites of the said trust seek further enhancement of the amounts earmarked by the modified scheme of

February 2009.

Although the modified scheme of 2009 provided that there would be 25% increase in the amounts utilised for seva puja and like every five years, the instant application has been filed before expiry of five years and the only reason for the application is increase in costs.

There is no doubt that the trust has huge monies lying at its disposal but one of the fixed deposits has an interest earning of approximately Rs.7,00,000/-.

Therefore, the enhancement will not wipe out or make a dent in the principal sum lying with the trust estate and invested.

Accordingly, let sums be increased as specified in Annexure-H of this application for the different festivals set out therein and the increased sums be realised out of the interest sums which will accrue to the credit of the fixed deposit lying with State Bank of India, Main Branch, Calcutta.

This order is passed as Durga Puja is approaching and sums need to be spent for charitable purposes so also for performing the said puja during the said festival.

The other reliefs have also been sought for in respect of which directions are given for filing affidavits.

Affidavit-in-opposition be filed within three weeks; reply, if any, be filed within a week thereafter.

Matter to appear in the list five weeks hence.

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

( PATHERYA, J.) sb.

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