

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jun-05-2014

Judge : I. P. Mukerji

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE CA No.33 of 2012 CP No.418 of 2011 In the matter of: FAVOURITE SMALL INVESTMENT LTD.And In the matter of: CYGNUS VYAPAR PVT.LTD.CA No.409 of 2009 CP No.418 of 2011 In the matter of: FAVOURITE SMALL INVESTMENT LTD.And In the matter of: KESHAB MANNA & ORS.BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date : 5th June, 2014.

Appearance: Mr.D.N.Sharma, Advocate Mr.A.K.Chowdhury, Advocate Mr.S.Mukherjee, Advocate Mr.Debdutta Sen, Advocate Mr.Mr.Mr.Mr.D.Ghosh, Advocate S.Dasgupta, Advocate A.K.Hazra, Advocate M.K.Maity, Advocate Mr.Saumabho Ghosh, Advocate The Court: By an order dated 9th October, 1998 the Honble Supreme Court of India directed the Reserve Bank of India to appoint a Special officer who might or might not have been an employee of the bank, within two weeks from date.

It further provided that any further directions could be obtained from this Court.

The special leave petition was disposed of.

On 20th October, 1998 Shri N.C.Bandopadhyay, Senior Partner of M/S.N.C.Banerjee & Co., 2 Ganesh Chandra Avenue, Kolkata 700 013 was appointed as a Receiver by the Reserve Bank of India.

Unfortunately, Mr.Bandopadhyay died a few months ago.

Mr.S.Mukherjee, learned Advocate, had been appearing for him.

Mr.D.Sen, learned Advocate for the bank, submits that his Advocate on record has written to the bank on at least two occasions to appoint another Officer in place and stead of Mr.Bandopadhyay but till date no appointment has been made.

In my view, to comply with the direction of the Supreme Court, this vacancy should be forthwith filled up by the Reserve Bank of India by making the necessary appointment within two weeks of receipt of a copy of this order.

I record the objection of Mr.Sharma for the petitioner that this court has not and only the Appellate Court has the jurisdiction to pass this kind of an order.

This objection is rejected on the ground that according to the records before this Court there is no lis that is pending before the Appeal Court.

Since the Honble Supreme Court had directed this High Court to make the appointment and the lis is pending before this Court, this court has the power to pass this order.

List this Company Petition in the monthly list of July, 2014.

Certified photocopy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(I.P.MUKERJI, J.) G/

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