

Ashim Guhathakurta and ors. Vs. Binoy Kumar Chatterjee and ors.

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Court : Kolkata

Decided On : Jun-30-2014

Judge : I. P. Mukerji

Appellant : Ashim Guhathakurta and ors.

Respondent : Binoy Kumar Chatterjee and ors.

Judgement :

ORDER

SHEET IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction
ORIGINAL SIDE CS NO.943 OF 1982 GA NO.1532 OF 2014 GA NO.1541 OF
2014 GA NO.1542 OF 2014 GA NO.1545 OF 2014 GA NO.464 OF 2014 ASHIM
GUHATHAKURTA & ORS.Versus BINOY KUMAR CHATTERJEE & ORS. GA
NO.464 OF 2014 WITH CS N O.943 OF 1982 ASHIM GUHATHAKURTA &
ORS.Versus BINOY KUMAR CHATTERJEE & ORS. BEFORE: The Hon'ble
JUSTICE I.P.MUKERJ.Date : 30th June, 2014.

Mr.P.K.Dutta, senior advocateappeaRs.Mr.A.Chowdhury, senior
advocateappeaRs.Mr.P.SinhaappeaRs.Mr.S.DevappeaRs.Mr.S.RoyappeaRs.Mr.G.Chal
: GA NO.1532 OF2014 The Court : The Registrar, Original Side is to hand over the
awarded sum of Rs.4,12,00,000/- together with all accrued interest, lying with him
in connection with AC No.175 of 1982 and APO No.142 of 2013 to the Joint
Administrators who will deposit the said sum with the State Bank of India, Calcutta

High Court Special Branch, Kolkata immediately in a term deposit earning the highest rate of interest.

This exercise can be done by the Registrar, Original Side drawing a cheque or preparing a draft of the above amount in favour of the bank to be kept in deposit by them in the account of the Joint Administrators in terms of this order.

I make it clear that no withdrawal from this account is to be made without the leave of this Court.

The application by one of the depositors [GA No.464 of 2014] appearing as item no.69 of today's list is also disposed of with the above application (GA No.1532 of 2014). The objections raised by the applicant in this application are dealt with by observing that according to the submissions made by Mr. Ahin Chowdhury, learned senior advocate, Mr. P.K. Dutta, learned senior advocate, and others, the consideration for sale of the flats is based on the consideration fixed for sale of similar flats, by Maharaj Sinha, J.

It was also submitted that his lordship fixed an additional consideration amount with the consideration mentioned in the agreements for sale.

The consideration mentioned in this agreement including the additional consideration is based on those orders passed by Justice Sinha.

I am also told that the respective agreement for sale of these flats in question were contemporaneous in point of time to the agreements dealt with by Justice Sinha.

Hence, consideration and the additional consideration of Rs.150/per sq. ft.

have been fixed on the basis of the orders passed by his lordship.

The prayer for discharge of the Joint Administrators is rejected.

I also observe that the other allegations made in the application GA No.464 of 2014 are random and unsubstantiated.

Liberty is granted to the petitioner to bring a properly constituted proceeding in this behalf, if so available to him in an appropriate forum.

RE : GA No.1541 OF 2014 GA No.1545 of 2014 & GA No.1542 of 2014.

The respective petitioner claims to be the assignee of an intending purchaser of flat no.A-13, 12th floor in GA No.1541 of 2014, flat no.1, 14th floor in GA No.1545 of 2014 and flat no.A-10, 7th floor in GA No.1542 of 2014 in Chatterjee International Centre, 33A, Jawaharlal Nehru Road, Kolkata.

The petitioners are in possession.

The original vendors and the assignorintending purchasers are said to be absconding.

According to the petitioneRs.the entire consideration has been paid by them.

The petitioners want conveyance of this flat by the joint Administrators in their favour.

The joint Administrators are represented by Mr.Dutta, learned senior advocate.

He submits that the status of the petitioners should be carefully scrutinised by the joint Administrators with regard to the agreement, the consideration paid, assignment, possession etc.before any conveyance is executed.

The Court hereby grants such powers to the joint Administrators to scrutinise the claim of the petitioners in every respect.

If the claim of the petitioners is found to be in order, the joint Administrators will sign and register appropriate deeds of conveyance in their favour subject to payment of Rs.150/sq.

ft.

as additional consideration by each.

The costs of registration and stamp duty are to be borne by the petitioners. All the above applications are disposed of.

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

(I.

Pkd.

A.R.[C.R.].P.MUKERJI, J.)

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