

Silicon Developers Pvt. Ltd. Vs. Sikria Infraprojects Pvt. Ltd.

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Court : Kolkata

Decided On : Nov-10-2010

Judge : I . P. Mukerji, J.

Appeal No. : T No. 76 of 2010

Appellant : Silicon Developers Pvt. Ltd.

Respondent : Sikria Infraprojects Pvt. Ltd.

Advocate for Pet/Ap. : Mr. S.K.Kapur, Sr. ; Mr. S.N.Mitra, Sr. ; Mr. S.Dutta, ; Ms. S.Sanyal, Advs.

Judgement :

The Court : This is a third Section 9 application, moved ex parte. It is so moved on the apprehension that if notice of this application was given to the respondent, they would quickly realise the sum payable to them by Engineering Projects (India) Ltd. and misappropriate it.

The prima facie case of the petitioner is like this. The respondent obtained a contract from a Government company, Engineering Projects (India) Ltd., to construct a jail in Tripura. The petitioner became its business partner to execute such project. Such project became a joint venture between the petitioner and the respondent. The petitioner provided the respondent with substantial capital.

The respondent has committed breach of the joint venture agreement and is, inter alia, utilising the funds received from Engineering Projects (India) Ltd., keeping the

petitioner in the dark and without sharing the profits with the petitioner in terms of the agreement. Protective orders were passed by Indira Banerjee, J., in an earlier Section 9 application appointing a Receiver and directing utilisation of funds under the Receiver, though the respondent was allowed to receive such funds.

It is submitted that such order is being circumvented. Therefore, as a further interim order, I direct the appointed Receiver, Mr. Dharendra Nath Sharma, Advocate, to open a separate bank account immediately. For the time being, I direct Engineering Projects (India) Ltd. to remit all sums payable under the contract to the respondent to Mr. Dharendra Nath Sharma, Receiver, and not to the petitioner.

The Receiver will receive and retain such money in that account, subject to further orders to be passed by this Court. The petitioner will pay him ad hoc remuneration of 1000 GMs. Let a copy of this application be served on Engineering Projects (India) Ltd. as well. I make this application returnable on 12th November, 2010, as New Motion.

Receiver and all parties concerned are to act on a signed photocopy of this order upon the usual undertakings.

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