

*Hooghly Mills - Criminal,
Water*

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

944398

MISCELLANEOUS APPLICATION NO.609/2021
(@ out of M.A. Dy.No.8263/2021)

IN

CRIMINAL APPEAL NO.1571/2019

Certified to be true Copy
Assistant Registrar (Judl.)
17/10/2020
Supreme Court of India

HOOGHLY MILLS COMPANY LTD

APPLICANT/
APPELLANT(S)

VERSUS

STATE OF WEST BENGAL & ANR.

RESPONDENT(S)

ORDER

After the matter was decided by judgment and order dated 17-10-2019 of this Court in Criminal Appeal No.1571/2019, the instant application has been filed seeking following reliefs:

- (a) Appropriate orders and/or directions be given with regard to withdrawal and/or release of the amounts deposited in Escrow Account in terms of order dated November 28, 2018 passed by this Hon'ble Court.
- (b) Appropriate orders and/or directions be given with regard to handing over of possession of premises bearing third floor "Srikunj", 13 Gurusaday Road, Kolkata-700 019 in terms of order dated October 17, 2019 passed by this Court within such time and/or such terms this Hon'ble Court may deem fit and proper."

Signature valid It is submitted by Mr. Siddharth Bhatnagar, learned Senior
Digitally signed by
Includer with
Date: 2020.10.17 12:16:29
Reason: I am the author of this document.
Advocate for the applicant that appropriate directions with regard to handing over of possession of the premises to the Company be passed.

Mr. Rana S. Biswas, learned Advocate for the respondent-2-Bal Binod Bajoria submits that his client is willing to handover peaceful possession of the premises to the company, provided some reasonable time to vacate is granted.

At the request of Mr. Biswas, time till 31st August, 2021 is granted by which time his client shall handover peaceful possession of the premises to the Company. It is made clear that such time is granted only at the instance of Mr. Biswas. In case, his client fails to hand over peaceful possession of the premises on or before 31.08.2021, the Company shall be put in possession of the premises with police help, if required.

Mr. Biswas has further submitted that certain disputes are still pending between the parties and as such the possession of the premises ought to be retained by the company without creating any third party rights for some time so that in case any legal processes are initiated, the property would remain available.

We have not entered into the merits or demerits of such contentions, as Mr. Bhatnagar, learned Senior Advocate has agreed that the company shall maintain the possession without creating any third party rights for two months, after the possession is handed over to it by the client of Mr. Biswas.

Mr. Bhatnagar has also invited our attention to order dated 28.11.2018 in pursuance of which certain amounts have been deposited by Mr. Biswas's client in Escrow Account and that his client is entitled to those amounts. Mr Biswas submits that the amounts be allowed to be withdrawn subject to furnishing appropriate bank guarantee.

Ordered accordingly.

The amounts in terms of order dated 28.11.2018 have been deposited upto April, 2020. The amounts beginning from May, 2020 till the possession is handed over shall also be deposited by the client of Mr. Biswas in the Escrow Account which amount shall be withdrawn, under the appropriate directions by the concerned court.

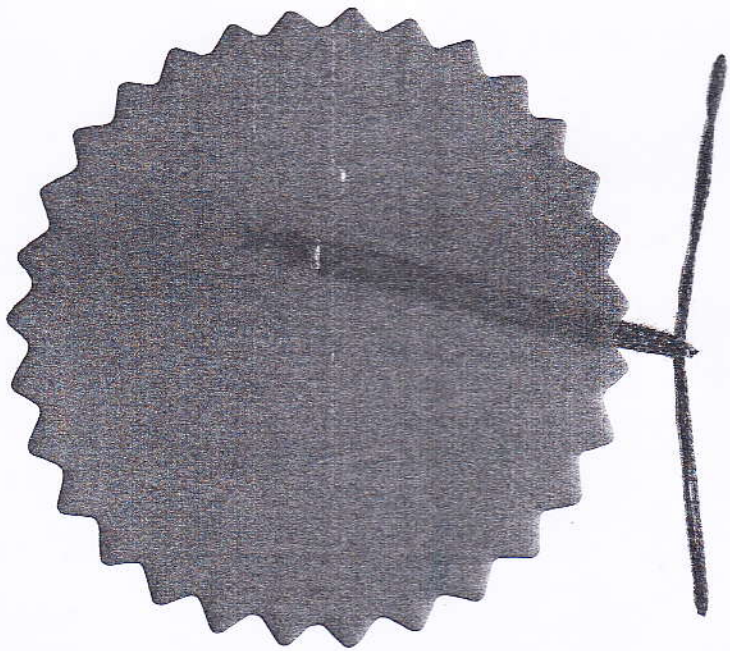
A copy of this Order shall be sent to the concerned police station.

The M.A. is disposed of accordingly.

.....J.
(UDAY UMESH LALIT)

.....J.
(AJAY RASTOGI)

New Delhi,
July 26, 2021.



9/5

A1-No.	6250
Urgent Fee:	Rs 5/-
Certification Fee:	Rs 10/-
No. of Folio	03
	Rs 03
Total Cost	Rs 18
(a) application filed on:	29/07/01
(b) the date given to receive copy:	01/08/01
(c) the date on which copy is made ready:	01/08/01
(d) the date on which the copy is received by the applicant or sent to the applicant:	

[Signature]
Branch Officer
Supreme Court of India

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ITEM NO.43 Court 3 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 609/2021 (Dy.No.8263/2021) in
Crl.A. No. 1571/2019

HOOGLY MILLS COMPANY LTD

Petitioner(s)

VERSUS

STATE OF WEST BENGAL & ANR.

Respondent(s)

(FOR ADMISSION and IA No.44265/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 26-07-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE AJAY RASTOGI

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Assistant Registrar (Judl.)
26/07/2021
Supreme Court of India

For Petitioner(s) Ms.Siddharth Bhatnagar, Senior Advocate
Mr. Sonia Dube, Advocate.
Mr. Shatadru Chakraborty, Advocate
Ms. KanchanYadav, Advocate
Ms. Surbhi Anand, Advocate
Mr. Aditya Sidhra, Advocate.
Mr. Nadeem Afroz, Advocate.
M/S. Legal Options, AOR

For Respondent(s) Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Nikhil Parikshith, Adv.
M/S. PLR Chambers And Co., AOR

Mr. Rana S. Biswal, Adv.
Mr. Sunil Kumar, Adv.
Ms. Sharmila Upadhyay, AOR

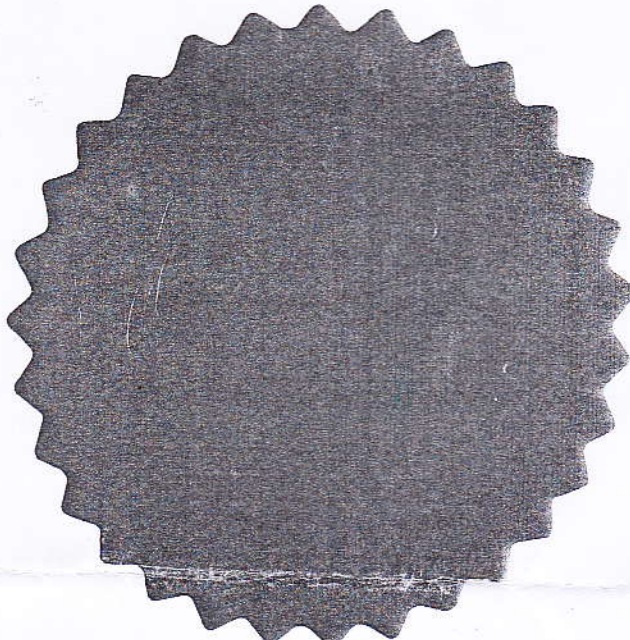
UPON hearing the counsel the Court made the following
O R D E R.

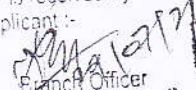
The M.A. is disposed of in terms of the signed order.
Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)



Ai-No. 6250
 Urgent Fee Rs 5/-
 Certification Fee Rs 10/-
 No. of Folio 01 Rs 01
 Total Cost Rs 11
 (a) application filed on :- 29/07/21
 (b) the date given to receive copy :- 01
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 applicant or sent to the applicant :-

 Branch Officer
 Supreme Court of India


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