

Arbit Execution Case– 03/2023
CNR : WBBD17-000007-2023
JO Code : WB01311

Order No – 05

Dated :15/05/2023

This day is fixed for hearing of the execution application.

Award Holder files hazira.

Award Holder also files affidavit of service along with postal receipt and track delivery report.

Let the same be kept with the record.

Award Debtor no.1 files a petition praying for adjournment on the ground that Award Debtor no. 1 has challenged the order by the Ld. Judge Commercial Court at Alipore,whereby the Ld. Judge had dismissed the prayer for extension of time to provide the Bank Guarantee, before the Hon'ble Court.

The Ld. Advocate for the Award Debtor no. 1 submitted that the application U/Article 227 of the Constitution of India being CO. no. 1493 had been mentioned for early hearing and the Hon'ble Court has been pleased to fix the matter for hearing of the matter on 17th May, 2023.

Ld. Advocate for the Award Holder vehemently opposed the prayer for adjournment and submitted hat since there is no order of stay there is no impediment in continuing with the hearing of the execution application.

I have heard the Ld. Advocates and have considered their submissions. Since, the matter has been fixed for hearing before the Hon'ble Court on 17th May, 2023 I deem it necessary to adjourn the hearing of the instant application atleast for a week so that the matter is heard in the Hon'ble Court in the meantime.

Accordingly the prayer for adjournment is allowed.

Let the matter be fixed for further consideration on 20th May, 2023.

Award Debtor no.1 has also filed an application praying for dismissal of the instant execution case.

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Subsequently, the Ld. Advocate withdraws the same as 'not-pressed'.

It is submitted by the Ld. Advocate for the Award Debtor no. 1 that he has not received the copy of the execution application.

However, it is on record that the consignment sent by speed post has come back with the endorsement that there is no such company

Be that as it may, since Award Debtor no. 1 has entered appearance, the Award Holder is directed to supply the copy of the execution application to the Ld. Advocate for the Award Debtor no. 1 by e-mail or any other mode.

Todate for further hearing.

D/C by me

Judge, Commercial Court
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Asansol