

Money Execution (Commercial) Case No. 04 of 2025

Order No.01

Date:02-12-2025

Received an application for execution of award dated 14.06.2024 under section 36 of the Arbitration & Conciliation Act, 1996 read with O21 of the Code of Civil Procedure, 1973 in Hon'ble High Court Form No. (J) 47 instituted by the Union of India against M/s India Builders along with annexure inclusive of award dated 14.06.2024 (218 pages + 1 stamp paper) & vakalatnama.

E-filing receipt is filed.

Physical record is tallied with the E-filing and the same is found proper.

Requisites filed by the award holder.

Perused the application made in Form No. (J) 47.

Award sought to be executed having been delivered on 14.06.2024 is found to be **within the period of limitation** for execution of an award under Article 137 of the Limitation Act, 1963. It further transpires that the award has remained **unsatisfied for a period of more than 30 days**. The property in question is **situated within the territorial bounds of this court**. Instant execution case having been **preferred within a period of 2 years** from the date of the award there is no need for serving notice upon the award-debtor. Lastly, as per assertion of the award-holder there is **no stay on execution** as on this date though a proceeding under section 34 of the ACA, 1996 pertaining to the present award is pending before this court.

Being thus circumstanced, this court detects no impediment in proceeding with the execution proceeding.

Award-Debtor M/s India Builders, B.M. Sarani, Mahanandapara (Behind Himalayan Nursing Home), Siliguri, Darjeeling-734001 is hereby directed to deposit the decretal amount (amount awarded) in court positively on the next date fixed.

Let a copy of this order be sent to the award-debtor.

DA to comply.

Fix **11.12.2025** for compliance of order by the award-debtor.

Sd/-

(Subhadeep Ray)

Judge, Commercial Court, Siliguri
J.O. Code WB00949