

JO Code No.WB00885  
Money Execution 26 of 2016

Order No. 45 Dated: 25-07-2022.

Today is fixed for further order.

DHR is present and files hazira.

DHR also files an affidavit stating that no appeal/revision U/s 34 of the Arbitration and Conciliation Act is pending against the order dated 21-01-2015 in arbitration proceedings No.1000/2014 plus E.C No.597 of 2015 by the Hon'ble Court. The OP files yet another adjournment application contending inter alia that the instant case is pending before the Ld. Hon'ble High Court, Calcutta and not dispose of till date.

Perused the same as well as other materials on record.

Heard the Ld. Counsel for the petitioner as well as Ld. Counsel for the OP.

It is unclear to this court as to what the OP has tried to suggest by stating that the case is pending before the Hon'ble High Court at Calcutta, when the DHR has filed an affidavit stating that no appeal was preferred before the upper forum to the final award passed by the arbitral tribunal. Apparently, this court vide order No.28 dated 11-09-2019 rejected an application filed by the JDR challenging the territorial jurisdiction to this court to execute the decree in respect of the property to be attached. The said revisional application has been rejected as C.O. 449 of 2020 as is manifest from the series of Advocate's letter filed on his behalf. However, the DHR is failed to produce any stay order till date.

Having said that, along with the affidavit the DHR has filed on this day, the court had directed the DHR to file the application dated 28-03-2022 upon the JDR. I find it relevant to mention herein that the concerned order has not been complied with.

Accordingly, the DHR is directed to serve a copy of the application dated 28-03-2022 upon the OP and also filed a fresh affidavit in terms of the order dated 20-07-2022, mentioning particulars of arbitral proceedings, in respect of which such affidavit has been filed.

Fix 26-09-2022 for proper steps by the DHR.

To date for further order.

Dic. & correct by me

A.D.J.

Addl. District Judge,  
3<sup>rd</sup> Court, Howrah.