

Misc. Ex (Com) - 38/2024

**Present :: Rupanjana Chakrabarti
Judge, Commercial Court at Rajarhat
North 24 Parganas.**

**CNR: WBNP19-000040-2024
J.O Code.WB 00612**

**06
12.09.2024**

Today is fixed for hearing of the execution case.

The Ld. Advocate for the Award-Holder appears and files an application under XXI Rule 43 read with Section 151 of the CPC supported by an affidavit praying for attachment of the Bank **Account No. 105605500468** maintained with the **ICICI Bank Ltd. Salt lake Sector-5 Branch, Kolkata, West Bengal** and another account bearing number **A/c No.0104SLNEFTPL** lying with the **ICICI Bank Ltd. Colaba Branch, Mumbai, Maharashtra**, both in the name of the Award-Debtor/Judgement-Debtor namely, **EPITAS SERVICIOS DE INGENIERIA S.L. (EPTISA)**, a company incorporated at 35 - 37, Emilio Munoz, Madrid, Spain-28037 and also at P.S. Srijan Corporate Park, Unit 1203, Tower 1, Block EP & GP, Sector V, Salt Lake, Kolkata-700091 to the extent of a sum of **Rs. 1,76, 53, 913/-** (One Crore Seventy Six Lacs Fifty Three Thousand Nine Hundred and Thirteen).

The case record is taken up for hearing of the application under XXI Rule 43 read with Section 151 of the CPC.

Heard the learned Advocate for the Award-Holder in respect of the instant petition.

It appears that the prayers made by the Award-Holder in the said petition is innocuous and necessary for giving stride to the instant execution case.

In view of the above, the said petition is allowed ex-parte.

Hence, it is

O R D E R E D

the Award-Debtor/Judgement-Debtor is directed to file an affidavit of assets disclosing all the particulars of his movable and immovable assets in the prescribed form of the Civil Procedure Code.

The Bank Account No.**105605500468** maintained with the **ICICI Bank Ltd. Salt lake Sector-5 Branch, Kolkata, West Bengal** and another account bearing number **A/c No.0104SLNEFTPL** lying with the **ICICI Bank Ltd. Colaba Branch, Mumbai, Maharashtra** in the name of the Judgment-Debtor namely

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EPITAS SERVICIOS DE INGENIERIA S.L. (EPTISA), a company incorporated at 35 - 37, Emilio Munoz, Madrid, Spain-28037 and also at P.S. Srijan Corporate Park, Unit 1203, Tower 1, Block EP & GP, Sector V, Salt Lake, Kolkata-700091 **be attached** to the extent of a sum of Rs.1,76,53, 913/- (One Crore Seventy Six Lacs Fifty Three Thousand Nine Hundred and Thirteen).

The Manager of the concerned Bank is directed to keep the said sum of Rs.1,76,53,913/- (One Crore Seventy Six Lacs Fifty Three Thousand Nine Hundred and Thirteen) apart as attached in terms of the order passed by this Court and he should not permit the Judgement-Debtor or his assigns, legal representatives or anyone claiming through him to operate the said Account without keeping apart the said sum of Rs.1,76, 53, 913/- (One Crore Seventy Six Lacs Fifty Three Thousand Nine Hundred and Thirteen) until further orders.

Fix **03.10.2024** for compliance report by the **Branch Managers ICICI Bank Ltd. Salt lake Sector-5 Branch, Kolkata, West Bengal and ICICI Bank Ltd. Colaba Branch, Mumbai, Maharashtra** and filing of affidavit of assets by the Award-Debtor/Judgment-Debtor.

The Award-holder is at liberty to file amended application u/o XXI rule 11(2) of the CPC read with Section 10(3) of the Commercial Courts Act, 2015 and Section 36 of the Arbitration & Conciliation Act, 1996.

Sd/- Rupanjana Chakrabarti
Judge
Commercial Court,
Rajarhat, North 24 Parganas