

**Misc. Ex. (Com) – 45/2024**

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

**CNR: WBNP19-000091-2024  
J.O Code.WB00612**

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**09.07.2024**

The record is put up by petition.

The learned Advocate for the Award-Holder prays that the Judgement-Debtor may be directed to furnish affidavit of assets by the next date or to pay off the Award amount in compliance with the Award as he has not pressed his own application under Section 36(3) of the Arbitration & Conciliation Act, 1996 for stay of operation of the arbitral Award in **Misc. Arb (Com) – 52 of 2024**. There is no impediment to proceed with the execution case.

The learned Advocate for the Award-Debtor has submitted that today is not fixed for hearing of the execution case. He has challenged the Award under Section 34 of the Arbitration & Conciliation Act, 1996 in **Misc. Arb (Com) – 52 of 2024** which is pending disposal.

The said Award is vitiated by perversity and is opposed to public policy as no signed copy of the majority Award was delivered to the Award-Debtor. The copy delivered to him was only of one of the Arbitrator of the majority Award/Arbitrators. He was, however, provided with signed copy of the minority Award/Arbitrator. The majority Award was fraudulently not delivered to him and as such, he has good ground to challenge in the application under Section 34 of the Arbitration & Conciliation Act, 1996. So, the execution matter may be kept in abeyance.

Upon hearing both sides, it appears that as per record this date was not fixed for the execution case. It would be improper to set the execution case on motion on the strength of the put up petition while the Award-Debtor is still unready about the matter.

To date (**10.09.2024**) for further order.

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