

**Misc Ex (Com) – 45/2024**

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

**CNR: WBNP19-0000091-2024  
J.O Code.WB00612**

**07**

**18.03.2025**

Today is fixed for appearance, verification and further order.

The learned Advocates for the Award-Holder and the Award-Debtor appear and file their respective haziras.

Heard the learned Advocates for the Award-Holder and the Award-Debtor.

Heard the learned Advocates for both parties. The learned Advocate for the Award-Holder prays for the issuance of necessary directions upon the Award-Debtor to file an affidavit of assets. The learned Advocate for the Award-Holder relies on the case law of *Rahul S. Shah vs Jitendra Kumar Gandhi and others* (2021) 6 Supreme Court Cases 418. He submits that, without the affidavit of assets, the execution process may face delays or become ineffective, as the Award-Holder would lack information to take appropriate action. The absence of the affidavit could delay or derail efforts to satisfy the award, resulting in further litigation and delays. The learned Advocate further points out that the affidavit of assets is a mandatory step in the execution process, ensuring the debtor's financial status is disclosed and can be evaluated, thus allowing for the proper enforcement of the award. The learned Advocate for the Award-Debtor submits that another award has already been challenged under Section 34 of the Arbitration & Conciliation Act, 1996 in Misc Arb (Com) 52 of 2024 [Misc Case (Arb) – 31/2023 (CC)], and is pending before this Court on similar issues. He further verbally submits that necessary instructions may be given by this Court considering the aforesaid facts.

Considering the submissions of both parties, this Court is of the opinion that, for the effective adjudication of the execution proceedings, the affidavit of assets must be filed by the Award-Debtor.

In view of the above, the Award-Debtor is directed to file the affidavit of Assets.

To **06.05.2025** for filing affidavit of Assets by the Award-Debtor.

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