

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore.
Misc. Case (Arb.) 10 of 2023
(CNR No: WBSP 1800025-2023)

Order No. 13
19.06.2023

In the matter of:
An application under
Section 34 of the
Arbitration and
Conciliation Act,1996.

And

In the matter of :
Durgapur Freight
Terminal Private Limited

Vs.

In the matter of :
Titagarh Logistics
Infrastructure Private
Limited

ORDERED

Today the record is taken up on the basis of put-up application by the Petitioner along with a copy of Order of the Hon'ble High Court at Calcutta in connection with C.O. No. 1493 of 2023 dated 14.06.2023. Copy served.

On perusal of the said of the Order of the Hon'ble Court supra it is appeared that the Hon'ble Court has been pleased to observe as:

“.....Now, with regard to the bank guarantee, the petitioner is directed to deposit the same in the learned court below by June 19, 2023. The learned court below is requested to post the matter on June 20, 2023 in order to ascertain compliance of the order of this Court. Although the matter has been posted tomorrow, total compliance of this order may not be possible and hence such request is being made by the Court.

The learned Judge, Commercial Court at Asansol shall proceed with the execution proceeding being Arbitration

Execution Case No.3 of 2023 expeditiously if the order of this Court is not complied with. In the event of compliance, the execution proceeding shall remain stayed. Any default in payment of the occupation charges as already directed, shall also amount to vacation of the interim order that is being passed by this Court, without further reference to the court

Accordingly, the revisional application is disposed of.....”

As such Petitioner files 1. Bank Guarantee No. 0188NDDG00001424 dated 27.04.2023 for Rs. 1,00,00,000.00/- of the ICICI Bank, 2. Bank Guarantee No. LOBG601032304416 dated 15.05.2023 for Rs. 18,000,000.00/- of the IDFC First Bank, 3. Bank Guarantee No. 0188NDDG00003224 dated 16.06.2023 for Rs. 93,14,430.00/- of the ICICI Bank. The bank Guarantee certificates are kept in a separate brown colour cover file.

*In view of the Hon'ble Court's Order Dated 14.06.2023 being C.O No. 1493 of 2023, the date is fixed on **20th June , 2023** in order to ascertain compliance of the order of this Hon'ble Court.*

Parties to act accordingly with the downloaded copy of order sheet from Ecourts App / Website.

Dictated & corrected by me,

Sd/-

*Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram*

Sd/-

*Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram*