

Present: Smt. Suparna Ray (JO Code: WB00711)
Judge, Commercial Court at Alipore
Misc Case (Arbitration) 15 of 2021
Renumbered as Misc. Arb (Com) 23 / 2021
CNR No: WBSP18-000065-2021

Order No. 43
23.06.2025

In the matter of:
An application Under
Section 36 of the
Arbitration and
Conciliation Act, 1996 read
with Order 21 Rule 11 (2)
of CPC, 1908
And

In the matter of:
Jaya Kar
Vs.
In the matter of:
The Union of India & 3 ors.

ORDERED

*Today is fixed for hearing on the report of the Ld. Commissioner.
Hazira filed on behalf of the award holder/petitioner through Ld.
Advocate.*

*Ld. Advocate for the award holder/petitioner is present.
Hazira also filed on behalf of the respondent no. 1 through Ld.
Advocate.*

*Ld. Advocate for the respondent no. 1 is present.
Record is taken up for hearing on the report Ld. Commissioner.
Ld. Commissioner Mr. Anirban Das is found present.
Heard Ld. Commissioner Mr. Anirban Das, Ld Advocate on the
report submitted by Ld Joint Commissioners.*

*Ld Advocate commissioner submitted that Ld Commissioner Mr.
Sankar Sen, Ld Advocate could not appear today due to his illness.*

*Perused the report submitted by Ld. Joint Commissioners on
22.05.2025.*

*It appears that in their report Ld. Joint Commissioners submitted
that the Branch Manager after careful and through searching of their
record from the computer submitted that the name of the account holder
as it appears from the computer screen does not tally with the documents
supplied by them in respect of Bank Account being Account
No.11041344363-GE(AF), Kalaikonda having IFSC SBIN0003332 of the
South Eastern Railway, Kharagpur.*

Heard Ld. Commissioner.

Perused the instant report.

Heard Ld. Advocates of both sides. Let the report submitted by Ld Joint Receivers be kept with the record.

An application has been filed today on behalf of the award holder/petitioner with a prayer to attach the Bank Account of South Eastern Railway, being Account No.11041344169 IFSC SBIN0003332 along with other prayer on the ground stated therein. In the instant petition it is submitted by the petitioner that as the account number furnished by the petitioner/award holder, was found incorrect, the award holder is praying before this learned Court for directing the respondents/award debtors, for filing an affidavit disclosing the correct schedules, so as to enable this learned court to pass appropriate order to execute the arbitration award. It is further submitted that after making all efforts, the petitioner/award holder came to know the proper account number of the award debtor no.1 lying with SBI, Kharagpur Railway Station Branch and accordingly the award holder submitted fresh schedule of bank account of South Eastern Kharagpur and prays before this Court to pass necessary order for attachment of the said bank account of the award debtor for realisation of the award.

I carefully perused the instant application and other materials on record. I heard Ld Advocates appearing on behalf of both parties. I also heard Ld Advocate commissioner/receiver Mr Anirban Das present before this Court.

The instant execution case is long pending one. The instant application has been filed by the Award holder for realisation of the awarded amount with interest to the tune of Rs.71,51,176/-.

Considering the report submitted by Ld joint commissioners and also considering the facts and circumstances, for ends of justice Ld. Commissioners Mr. Sankar Sen, Ld Advocate and Mr. Anirban Das, Ld Advocate, appointed vide order no. 13 dated 28.04.2025 are further directed to make a visit in the aforesaid SBI, Kharagpur Railway Station Branch (IFSC SBIN0003332) to ascertain whether there is any such amount (Rs.71,51,176/), needs to be attached, in Account No. No.11041344169 of the South Eastern Railway, Kharagpur lying with the

said branch of SBI and to file a comprehensive report and the present status of the said account.

For the aforesaid work, award holder is directed to pay a sum of Rs.20,000/- (twenty thousand only) to each of the Ld. Receivers as their initial remuneration and as such, file the money receipt to that effect . Thereafter, writ will be issued.

An application has been filed on behalf of the Award Debtor no.1 on 22.05.2025 under section 47 of CPC, being registered as I.A No.03/2025. Today written objection has been filed on behalf of the award holder against such application. Let the same be kept with the record.

Ld Advocate appearing of behalf of the award debtor submitted that award debtor would file rejoinder to the written objection filed today on behalf of the award holder against I.A.No. 03/2025. Considered. Prayer is allowed.

*Fix **05.07.2025 at 1:00 p.m to 1:30 p.m** for filing rejoinder by the award debtor and for filing money receipt by the award holder.*

***Todate** also for hearing of this execution case.*

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*