

IN THE COMMERCIAL COURT AT ALIPORE

Present:

The Judge Smt. Suparna Ray (JO Code:WB00711)

**Misc Case (Arbitration) 15 of 2021
Renumbered as Misc Arb (Com) 23/2021
CNR No. WBSP18-000065-2021**

Jaya Kar.

.....Award Holder

Vs.

The Union of India & 03 Ors

.....Award Debtors

Order No. 52

Date: 17.11.2025

Today is fixed for hearing of the instant misc case and also for consideration and passing the necessary order in respect of attachment of the bank account of the judgment debtors.

Award holder and the award debtors file their respective haziras.

However, at the time hearing, only the award holder has turned up but, despite repeated calls none on behalf of the award debtors has been appeared before this Court.

But, the award debtors has merely filed a petition praying for adjournment of today's proceeding on the pretext of pendency of appeal before the Hon'ble High Court at Calcutta, however, any order of stay from the Hon'ble Court has not been submitted before this Court.

On the contrary, Ld. Advocate appearing for the award holder has vehemently objected to the purport of the aforesaid petition and submitted that

the conduct as adopted by the award debtors is nothing but a ploy just to drag the instant execution proceeding.

Heard the submission as advanced by the Ld. Advocate for the award holder and also perused the materials on record.

It is found that the award holder has been filing the same type of petition on several occasions to adjourn the daily proceeding of the instant execution case, which is nothing but a dilatory tactic to stall an execution proceeding when there does not exist any order of stay on the said proceeding.

As such, the prayer for adjournment as prayed for by the award debtors by mere filing of a petition is hereby considered and rejected.

Accordingly, the record is taken up for hearing.

It appears from the record that by virtue of the Order no. 51 dated 29.10.2025, liberty was granted to the award debtors to take steps in respect of filing calculation, if any, at least three (03) days before the next returnable date i.e. today. But, the award debtors do not take any such steps to file their calculation with respect to the awarded amount.

However, the award holder filed its calculation on 12th September, 2025 by way of a petition upon serving the same on the award debtors, wherefrom it appears that the actual amount of claim with interest and further interest calculated upto the month of October, 2025 with simple interest becomes a sum of Rs. 85,47,922.00/-.

As having been obtained repeated opportunity the award debtors cannot file their calculation with respect to the claim amount, this Court should proceed with the calculation i.e. Rs. 85,47,922.00/- as submitted by the award holder.

It further appears from the report filed by the learned Joint Receivers on 01.08.2025 that the Bank Account maintained by the award debtors being A/C No. 11041344169 having IFSC SBIN0003332, State Bank of India, Kharagpur Railway Station Branch, CME Gate, Kharagpur 721 301 is having the closing balance of Rs. 12,43,20,280.58/- as on 19.07.2025. With the aforesaid report, the learned Joint Receivers annexed the copy of the letter dated 19.07.2025 issued by the Chief Manager revealing and/or substantiating the same.

Therefore, in view of present scenario, this Court is hereby attached the sum of Rs. 85,47,922.00/- lying with the aforesaid bank account being A/C No. 11041344169 having IFSC SBIN0003332, State Bank of India, Kharagpur Railway Station Branch till the further order of this Court.

The concerned Bank Manager of the State Bank of India, Kharagpur Railway Station Branch having IFSC SBIN0003332 is hereby directed to comply with the direction of this Court forthwith.

Award holder is hereby directed to communicate the copy of the instant order with the concerned bank i.e. State Bank of India, Kharagpur Railway Station Branch having IFSC SBIN0003332 as early as possible so as to fructify the instant order.

Fix the matter on 17.12.2025 at 10:45 a.m. for further order.

Parties to act on the basis of the downloaded copy of this Order.

Dictated and corrected by me

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram.

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram.