

In the Court of the Commercial Court at Alipore

Misc Case (Arb.) 15/2021

Misc Arb. (Com) 23/2021

Present : Smt. Monikuntala Roy (WB01088), Judge-in-charge,

Commercial Court at Alipore.

Order No. 61, dated 16.03.2026

Today is fixed for handing over the demand draft so collected by the Joint Receivers to the award holder under proper receipt.

Both sides are represented by their concerned Ld. Advocates.

Award holder is present in person.

It has been submitted on behalf of the Jdr./respondent that an application is pending before the Hon'ble High Court at Calcutta and the said case is running in today's daily cause list and they expect its disposal very soon and as such, the Ld. Advocate for the Jdr./respondent prayed for adjournment.

The Ld. Advocate on behalf of the Award Debtor filed one Ld. Advocate communication letter dated 16.03.2026 to the effect that considering the urgency of the matter, the Hon'ble High Court has directed the matter to appear on 17.03.2026.

Ld. Advocate on behalf of the award holder submitted before the Court that the Jdr./respondent could not bring any stay order in past five years odd despite of getting several opportunities and in order to frustrate their claim in respect of the award, they are filing adjournment applications one after another and due to their dilatory tactics, the award holder is still debarred from enjoying the fruit of the award. Notice of the present Court has been drawn in respect of order dated 17.02.2026 and also 11.03.2026 and it is submitted inter-alia that already, directions have been passed by this Court to handover the demand drafts so collected by them to the award holder today itself and as such, it would not be just to delay the handing over of the demand draft in view of the similar submissions made by the Ld. Advocate on behalf of the Award Debtor on earlier occasions as well as on today itself.

The Joint Receivers namely, Mr. Anirban Das and Mr. Sankar Sen are present before the Court and apprised the Court that they had collected the bank draft/demand draft vide order no. 58 dated 17.02.2026 being demand draft no. 218775 dated 04.03.2026 drawn on State Bank of India, Kharagpur Railway Branch in favour of Jaya Kar, for an amount of Rs.85,47,922/-. Thus, the Joint Receivers prayed for necessary order in view of order no. 60 dated 11.03.2026.

Admittedly, there is no order of stay from any Hon'ble higher forum to proceed with the present matter and as such, I do not find any impediment to proceed with the present case in view of decision of the Hon'ble High Court at Calcutta dated 05.02.2021 in connection with **F.A. 61 of 2024 with CAN 1 of 2020** and also in view of the direction of the Hon'ble High Court dated 12.03.2024 in connection with **CRR 1652 of 2013**. I am thus, not inclined to mechanically adjourn the matter and further inclined to pass the following order.

Thus, the Joint Receivers namely Mr. Anirban Das and Mr. Sankar Sen are directed to handover the demand draft being no. 218775 dated 04.03.2026 drawn on State Bank of India, Kharagpur Railway Branch, in favour of Jaya Kar for an amount of Rs.85,47,922/- under proper receipt.

The Joint Receivers are also directed to file a copy of acknowledgment of the said

demand draft received by the award holder alongwith their report.

Fix **16.04.2026** for filing compliance report by the Joint Receivers.

Dictated and corrected by me

Sd/-
Judge I/c,
Commercial Court at Alipore

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Judge I/c,
Commercial Court at Alipore