

**Present: Sri Srikumar Goswami(JO Code:WB00714)**  
**Judge, Commercial Court at Alipore**  
**Misc Case (Arbitration) 15 of 2021**  
**CNR No: WBSP18-000065-2021**

Order No. 09  
28.02.2022

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 passing order of the misc case and the stay application being **IA no. 01/2021**.

Both parties file their respective haziras.

Respondents file an application for adjournment on the ground that the application under Section 34 of the Arbitration & Conciliation Act, 1996 is fixed today for hearing before the Hon'ble High Court at Calcutta.

However, since there is no order of stay from the Hon'ble Court till date, such prayer for adjournment is considered and rejected.

**IA no. 01/2021**

At this stage, the instant application is taken up for passing order.

This is a stay application as filed by the Respondents praying for stay of the present Misc Case till disposal of GA no. 2 of 2020 in A.P. no. 550 of 2016 before the Hon'ble High Court at Calcutta.

I have already heard both sides.

The fact remains that an award has been passed by the Ld. Arbitrator in accordance with the direction of the appointment of the Ld. Arbitrator as made by the Hon'ble High Court at Calcutta under Section 11 of the Arbitration & Conciliation Act, 1996.

JUDGE  
COMMERCIAL COURT AT ALIPORE

The award has already been passed by the Ld. Arbitrator and being dissatisfied with the said award, an application has been preferred under Section 34 of the Arbitration & Conciliation Act, 1996 for setting aside of the said award before the Hon'ble High Court at Calcutta being GA no. 2 of 2020 in A.P. no. 550 of 2016.

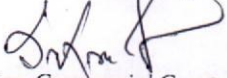
**However, the Respondent/Applicant fails to submit any stay order from the Hon'ble Court and therefore, the present stay application stands rejected and the Respondent is directed to pay within 10 days the amount of the award, in default of which, the Petitioner shall have the liberty to execute the said award by attaching the bank account or otherwise as the Petitioner may deem fit and proper.**

Accordingly, the instant I.A. stands disposed off.

Fix 21.03.2022 at 1 p.m. for taking steps by the Petitioner.

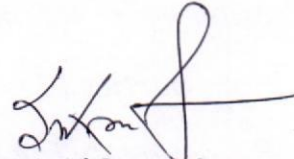
Both parties are to act accordingly with the downloaded copy of order sheet from Ecourts App / Website.

Dictated & corrected by me,



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

**JUDGE  
COMMERCIAL COURT AT ALIPORE**



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

**JUDGE  
COMMERCIAL COURT AT ALIPORE**