

Present: Sri Srikumar Goswami (WB00714)

Judge, Commercial Court at Alipore.

Misc Execution (Arb.) 07/2020

CNR no. WBSP18-000104-2020

Order no. 12

05.08.2021

In the matter of :

M/S Efcalon Tie Up Pvt. Ltd.

Vs.

In the matter of :

Star Track Agency Pvt. Ltd.

Appearance for the Dhr:

Ms. Sayantani Das ... Ld. Counsel

Appearance for the Jdr (virtually):

Mr. Hiran Chatterjee .. Ld. Counsel.

Mr. Sukrit Mukherjee ... Ld. Counsel.

**ORDERED**

1. *The record is put-up by an application today on behalf of the Dhr.*
2. *Dhr files an Email copy showing service of the said application through Email.*
3. *Ld. Counsels for the Jdr. appear before this Court virtually on getting notice.*

**I.A. no. 01/2021**

4. *At this stage, Dhr files an application praying for preponing the next date of hearing of the instant execution case (which is being registered as **I.A. no. 01/2021**) on the ground that the Hon'ble High Court at Calcutta in **F.M.A.T. no. 57 of 2021** between the similar parties vide order dated 10.02.2021, has been pleased to record that:*

***"It is submitted by Mr. Mukherjee that the execution application is posted for hearing before the court below on 16<sup>th</sup> March 2021, and that there is no***

  
Judge  
Commercial Court at Alipore

*possibility of the execution process commencing prior to the hearing of the appeal. He assures this court that till the stay application is under consideration by this court or until further order, whichever is earlier, his client would not activate the execution process. Such submission is accepted...*

5. *Subsequently, the Hon'ble Court has been pleased to extend the above assurance vide orders dated 10.03.2021, 26.03.2021 and also 28.04.2021, till 11.06.2021.*

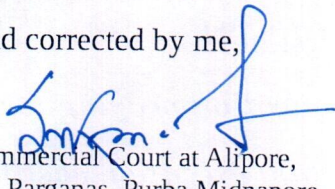
6. *Heard the Ld. Counsels for the Jdr virtually.*

7. *However, considering the fact that the said appeal is still pending before the Hon'ble Court for adjudication, this Court has no authority to entertain such application and accordingly, the said application as filed by the Dhr. today is hereby rejected.*

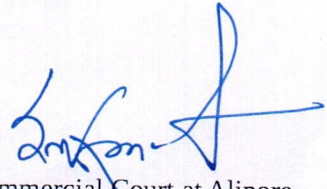
8. *Accordingly, the instant I.A. is disposed off.*

9. *To date (26.08.2021 at 1 p.m.) for awaiting further order from the Hon'ble High Court at Calcutta.*

Dictated and corrected by me,

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

Judge  
Commercial Court at Alipore

  
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