

Present: Sri Srikumar Goswami
Judge, Commercial Court at Alipore.
Misc Execution (Arb.) 07/2020

Order no. 06
21.01.2021

In the matter of :
M/S Efcalon Tie Up Pvt. Ltd.
Vs.
In the matter of :
Star Track Agency Pvt. Ltd.

ORDERED

1. *Today is fixed for passing order of the execution case.*
2. *Both sides file their respective haziras.*
3. *I have already heard both sides on the last occasion.*
4. *It has been submitted on behalf of the Efcalon that as per the order of the Hon'ble High Court at Calcutta dated 26.03.2019 as passed by His Lordship Soumen Sen and His Lordship Ravi Krishan Kapur in connection with RVW 59 of 2019:*

“...It is needless to mention that the appellant shall not execute the award until the disposal of the application for setting aside of the award. In the event, the award is upheld, the learned Trial Court may immediately take up the execution petition...”
5. *By referring the above order of the Hon'ble Court, it has been submitted on behalf of the Efcalon that an application*

under Section 34 of the Arbitration & Conciliation Act, 1996 as preferred by the Star Track has already been rejected by this Court and therefore, this Court has to execute the award immediately.

6. On behalf of the Star Track, it has been submitted that they would prefer an appeal before the Hon'ble Court and if the award is immediately executed, their right of statutory appeal would become infructuous.

*7. Considering the above, fix **08.02.2021** for passing necessary order of the execution case.*

Dictated and corrected by me,

Sd/-

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

Sd/-

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