

IN THE COMMERCIAL COURT AT ALIPORE

Present: Smt. Suparna Ray (JO Code:WB00711)

Misc Execution (Arb.) 07 of 2020
Renumbered as Misc Ex. (Com) 06 of 2020
CNR No. WBSP18-000104-2020

M/s. Efcalon Tie Up Pvt. Ltd.

.....Award Holder

vs.

Star Track Agency Pvt.

.....Award Debtor

Order No. 56

Date: 09.12.2025

Today is fixed for filing written notes of argument in respect of I.A. No. 04 of 2025 by the judgment debtor positively.

Both side file their respective haziras.

Learned Receiver is present.

Judgment debtor does not file any written notes of argument and intends not to file the same further.

Accordingly, the I.A. No. 04 of 2025 is taken up for hearing.

The instant execution case has been filed by the award holder for execution of an interim award of eviction dated 15.07.2017 being corrected and modified by an award dated 22.07.2017.

Learned Advocate appearing on behalf of the award debtor submits that the property in context has already been handed over to the learned Receiver and the learned Receiver is in the possession of the said property. Therefore, the award debtor has nothing to do anything with the directive of the impugned interim award.

Learned Receiver submits that the entire property is in his symbolic possession, however, he submits that certain *bric a brac*

obstructions are there which may be obliterated before taking physical possession of the entire said property. And, for that , learned Receiver seeks for assistance of police authority. Ld Receiver also submits that only one person is now in the possession of the small portion of the said property and there is also the order of injunction of the competent civil court, to that effect . obtained by the person in the possession

However, learned Advocate appearing for the award holder submits that the entire property is free to take possession from the learned Receiver and there is no such no obstruction to that effect

Considering the aforesaid, this Court opines whether the property in context is free from all encumbrances or not that should be ascertained first and for which, this Court thinks it fit to direct the learned Receiver to file a detailed and comprehensive report before this Court ascertaining the present status of the property in context on the next date as fixed hereunder. After that, this Court will proceed to execute the impugned interim award i.e. to hand over the possession of the property in context to the award holder in accordance with law.

The award holder is hereby directed to pay a sum of Rs. 20,000/- to the learned Receiver at once and then, file money receipt in respect of paying such money to the Receiver by the next date as fixed hereunder.

Parties are also directed to assist with the learned Receiver at all material points of time for conducting the aforesaid work as assigned to him.

Fix the matter on **23.12.2025 at 10:45 a.m.** for submitting report by the learned Receiver.

Parties to act on the basis of the downloaded copy of the order sheet from the website/E-court App.

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.