

Present: Sri UtpalMisra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Arbitration Execution Case No. 18 of 2023
Renumbered as Misc Ex (Com) 47 of 2023
CNR No. WBSP18-000116-2023

Order No. 10

Date: 18.03.2024

In the matter of:

An application under Order XXI
Rule 11 read with Section 151 of
CPC, 1908.

AND

In the matter of:

Mackintosh Burn Ltd.

Vs.

Damodar Valley Corporation.

Order

Today is fixed for further hearing of the instant execution case by the award debtor.

Both sides have filed their respective haziras.

It appears that the award debtor has filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 being the Misc Case (Arb) 27 of 2022 (renumbered as Misc Arb (Com) 31 of 2022) against the award holder and in the said proceeding an application under Section 36 of the said Act of 1996 has also been filed by the award debtor and the same was disposed of on contest with certain directions upon the award debtor regarding deposit of cash security as well as bank guarantee in respect of the awarded sum for stay of the instant execution proceeding within a period of four (04) weeks.

So, the fate of the instant execution case will depend upon the steps taken by the award debtor in the said proceeding.

Fix the matter on **19.04.2024 at 10:30 a.m.** for further order in respect of the instant proceeding.

Parties to act on the basis of downloaded copy of this Order from the Website/E-courts 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