

Present: Smt. Suparna Ray (JO Code:WB00711)
Judge, Commercial Court at Alipore
Arb Execution Case No. 05 of 2022
Renumbered as Misc Exe (Com) 23 of 2022
CNR No. WBSP18-000119-2022

Order No.30

Date: 07.05.2025

In the matter of:

An application under Order 21 Rule 11 of the Code of Civil Procedure Code, 1908.

In the matter of:

Cygnus Investments & Finance Pvt. Ltd.

Vs.

Eastern Rice Mills Pvt. Ltd. & Ors.

Order

Today is fixed for hearing of I.A. No. 04 of 2024 filed by the defendant nos. 3, 5 and 7.

Award holder files hazira.

Defendant nos. 3,5 and 7 file haziras.

The instant matter is fixed today from 01:00 p.m. to 01:30 p.m. However, it is now 1:30 p.m. and on repeated calls none on behalf of the award debtor nos. 2, 3 and 7 does not come before this Court till 01:30 p.m.

Ld. Counsel for the award holder is present and submits that the instant application has been filed by the said award debtors under Section 15 of the Commercial Courts Act, 2015 but from the conduct of said award debtors, it would be found that the award debtors have only filed the instant application but does not move the same before the Court with an intention only to drag the instant execution proceeding. However, the award holder has filed its written objection on 06.07.2024, which is lying on the record.

Accordingly, Ld. Counsel for the award holder prays for rejection the instant application.

Heard the Ld. Counsel for the award holder and also perused the materials on record.

It is transpired from record that on so many previous occasions the said award debtors took the same path just to drag the instant execution proceeding. Therefore, from that context, the instant execution proceeding should not be unnecessarily protracted only because of pending the instant application.

Accordingly, from the above conduct, the instant application being I.A. no. 04 of 2024 is hereby rejected inasmuch as the same is not pressed before this Court by the award debtors nos. 3,5 and 7, albeit without any order as to costs.

The I.A. No. 04 of 2024 is hereby **disposed of** accordingly.

Award holder files requisites for taking fresh steps upon the award debtor nos. 1,2,4,6 and 8.

Let the same be kept on record.

Accordingly, issue notice is to be issued to the award debtor nos. 1,2,4,6 and 8.

Affidavit of service to be filed by the award holder on the next date as fixed hereunder.

Fix the matter on 01.07.2025 at 10:45 a.m. for S/R and appearance of the award debtors 1,2,4,6 and 8.

Parties to act on the basis of the downloaded copy of this Order.

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.