

IN THE COMMERCIAL COURT AT ALIPORE

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

MiscEX (Com) 65 of 2024

CNR No: WBSP18-000161-2024

M/S ROOP CONSTRUCTION COMPANY.

.... Award Holder.

Vs.

UNION OF INDIA

.... Award Debtor.

Order No. 09

Date: 23.12.2025

Today is fixed for further order.

Both parties filed their respective haziras through their Ld. Advocates.

Ld. Advocate of both parties are found present.

Heard both sides.

Perused the materials on record.

It appears that one application being I.a. No. 04/2025 filed by the Award Debtor is kept with the record, which is pending.

The said application beign I.A. No. 04/2025 is taken up for hearing.

Heard both sides, perused the instant application.

In the instant application the Award Debtor submitted that the award holder /petitioner has filed the instant execution case against the Award Debtor/Respondent. The Award Debtor/Respondent appeared in the Learned Commercial Court at Alipore on 01.08.2025.

It is submitted that the Learned Court passed an order being no. 6 dated 01.08.2025 directing the Award Debtor/Respondent to file affidavit of assets . But there is no such provision for filing affidavit of assets in the instant execution case. It is submitted that Respondent is ready to deposit the Principal award amount before the Registrar of the Court. The Petitioner/Award Debtor submitted that as per settled law the assets of the Award Debtor is a public property and disclosure of the same is also against the public policy. It is also stated that in the recent past in so many previous Execution Cases the Hon'ble High Court has given direction to Reserve Bank of India (RBI) to set apart the principal awarded amount from the account of South Eastern Railway (Indian Railway), Govt. Of India till finalization of the case.

In view of the above facts & circumstances award debtor prays to pass an order of re-calling the aforesaid order being no. 6 dated 01.08.2025 passed by Learned Court for filing discloser of assets by Award Debtor/Respondent.

It appears that till date there is no order of stay in the proceedings of instant execution case and an application has also been filed by the Award Debtor to pass an order of stay of all further proceedings of the instant misc. execution case which has been registered as I.A. No. 02/2025.

In the instant application being I.A. no. 04/2025 also the award debtor prays to stay the proceedings of the instant execution and case and submitted that the award debtor is ready to deposit the awarded sum with the Ld Registrar of this Court .

It is settled principle of law that in order to facilitate the proceedings of the pending execution case the Executing Court may direct the parties to make the compilation/extracts from the accounts /other data and present the assests and income in a tabula form, duly supported by affidavit. In the present case till date the award debtor neither make any payment to the award holder nor submit any affidavit to that effect. But by filing the instant application , the award debtor submitted that they are ready to deposit the awarded sum with the Ld Registrar of this Court.

In the facts and circumstances , the award holder to take necessary steps accordingly.

In view of the above discussion, the appliation being I.A.No.04/2025 is, thus, **disposed off**.

Fixed **02.02.2026 at 3.00 to 3.30 p.m** for hearing of I.A.No.02/2025.

Both parties to come ready.

Dictated & corrected by me,

Sd/-

Judge, Commercial Court at Alipore
for South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

Sd/-

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