



2023:CHC-OS:5117

ODC-1

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

AP/40/2020
IA NO: GA/6/2022, GA/7/2022

DAMODAR VALLEY CORPORATION
VS
RELIANCE INFRASTRUCTURE LTD.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 2nd March 2022.

Appearance:-

Mr. Ratnanko Banerji, Sr. Adv.
Ms. Vineeta Meharia, Adv.
Mr. Amit Meharia, Adv.
Mr. Santanu Chatterjee, Adv.
Ms. Urmila Chakraborty, Adv.
Ms. T. Singh, Adv.
Ms. P. Banerjee, Adv.
Ms. S. Paul, Adv.
Ms. Ambalika Deb Roy, Adv.

Mr. Harish Salve, Sr. Adv.
Mr. Prateek Sakseria, Adv.
Mr. Paritosh Sinha, Adv.
Mr. Atanu Raychaudhuri, Adv.
Mr. Saubhik Chowdhury, Adv.
Ms. Shrayashee Das, Adv.
Mr. Pushan Majumdar, Adv.
Mr. Rohit Banerjee, Adv.
Ms. Ayushmita Sinha Sahni, Adv.
Mr. Jishnujit Roy, Adv.

The Court:-

IA NO: GA/6/2022, GA/7/2022

The Court:- During the course of submissions, Mr. Salve, Senior Advocate appearing on behalf of the award-holder inter-alia submits that insofar as release of the sum of Rs.303 crores (which pertains to retention



money) is concerned, the same be released without any security. It is also submitted that in the event the entire sum is paid to the award holder, the entirety would be charged to the several lender financial institutions of the award holder and no part of this amount would be retained by the award holder. He further submits that insofar as the balance of Rs.595 crores is concerned, the award holder is willing to withdraw the same by furnishing an appropriate bank guarantee.

These submissions have also been reiterated by way of an affidavit affirmed on 2 March, 2022. An advance copy such affidavit has also been served on the judgment debtor. Mr. Banerjee, Senior Advocate appearing on behalf of the judgment-debtor opposes and controverts the submissions made on behalf of the award holder. Liberty is sought for by the award holder to file the affidavit in Court.

I am of the view that the contents of the affidavit only record the submissions made on behalf of the award holder and are in the form of an undertaking on behalf of the award-holder. Accordingly, liberty is granted to the award holder to file the Affidavit in Court.

Liberty is also granted to the judgment-debtor to file a Reply to the said affidavit, if so advised. Let such affidavit, if any, be filed on the returnable date.

List this matter on 7 March, 2022 for filing of Notes of Submissions on behalf of both the parties.



AP/40/2020

Heard the parties. Let this matter appear on 15 March, 2022 for fixing a date for hearing of this application.

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(RAVI KRISHAN KAPUR, J.)

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