

ORDER

OCD-18

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/502/2025
SHAKAMBHARI ISPAT AND POWER LIMITED
VS
JYOTI KUMARI

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 2nd July 2025.

Appearance:-

Mr. Debraj Sahoo, Adv.
Ms. Sucheta Mitra, Adv.
Mr. Tamaghna Saha, Adv.
...for petitioner.

1. Affidavit of service is taken on record. It appears that the postal article containing a copy of this application was sent to the last known address of the respondent. The postal article has come back with the endorsement 'addressee left'. In view of Section 3(1)(b) read with Section 27 of the General Clauses Act and the presumption under Section 114 of the erstwhile Evidence Act, the service is deemed as good service. However, one more attempt to serve should be made.
2. This is a post-award injunction application. The time to file execution has not expired. The petitioner seeks protection of the awarded amount. It is on record that the learned arbitrator was appointed by this Court and the arbitrator had proceeded ex parte. The award is a detailed one, which contains the reasons as to why the learned arbitrator had passed the award directing the respondent to pay a sum of Rs.12,38,504.22. The

award was in respect of price of goods sold and delivered by the petitioner to the respondent. The petitioner submitted that exclusive jurisdiction clause in the agreement provides that the High Court at Calcutta will have jurisdiction in respect of all issues arising from the agreement.

3. Under such circumstances, there will be an injunction in respect of the following property:-

Flat No.201B, Block Aprana Dayal Residency, Mitra Mondal Colony, Anisabad, Patna, Bihar – 800002.

The respondent shall be enjoined from alienating or changing the nature and character of the said immovable property for a period of two months.

4. Substituted service be effected by the petitioner by publication in two widely circulated dailies, one in English and one in Hindi, within the jurisdiction of the respondent. Affidavit of service be filed on the next date.
5. Let the matter appear in the monthly list of August 2025.

(SHAMPA SARKAR, J.)