

OCD 4

ORDER SHEET
EC-COM/359/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

M/S B B M ENTERPRISES
VS
STATE OF WEST BENGAL

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 29th July, 2025.

Appearance:
Ms. Nilanjana Adhya, Adv.
. . .for the petitioner.

Mr. Noelle Banerjee, Adv.
Mr. Paritsh Sinha, Adv.
Mr. Arindam Mandal, Adv.
Ms. Swagata Ghosh, Adv.
. . .for the respondent.

The Court: This is the second execution application. It has been filed pursuant to liberty granted by a coordinate Bench on April 21, 2025 in EC 132, 2012. According to the petitioner, a sum of Rs.52,86,219/- was directed to be paid by His Lordship within May 30, 2025. In default, the State was directed to pay interest component at the rate of Rs.15% per annum on Rs.52,86,219/- from September 8, 2021 till the date of actual payment in terms of the award.

Liberty was granted to the award holder to file an appropriate application in accordance with law, in case of default of the above directions.

It is submitted by the award-holder that the order of His Lordship has not been complied with and pursuant to the liberty granted, this application has been filed.

Ms. Banerjee submits that the State of West Bengal has already filed a Special Leave Petition from the order of His Lordship and the matter is likely to be heard soon.

Under such circumstances, the application is adjourned till the Hon'ble Apex Court passes an order. In the fitness of things and as per judicial discipline, this Court is of the view that the hearing of this application should be adjourned upon a direction on the State of West Bengal through the Secretary, Irrigation and Waterways Department, Jalasamphgad Bhaban, Salt Lake City, Kolkata to file an affidavit dealing with the contentions in the application and also disclosing the bank account maintained by the Irrigation and Waterways Department, Jalasamphgad Bhaban, Salt Lake City, in any nationalized bank or the State Treasury Head maintained by the said department with the Reserve Bank of India. The account must indicate that the amount claimed in this application can be satisfied.

Let such affidavit-in-opposition be filed within two weeks from date. Reply thereto, if any, be filed within a week thereafter.

Liberty to mention.

(SHAMPA SARKAR, J.)