

OCD-18

AP/272/2023
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

INDIA TYRE AND RUBBER COMPANY LIMITED
Versus
EUREKA CONVEYOR BELTINGS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 12th July, 2023.

Appearance:
Mr. Chayan Gupta, Adv.
Mr. Soham Sanyal, Adv.
Mr. Soumyajyoti Nandy, Adv.
Mr. Pourssh Bandyopadhyay, Adv.
...for the petitioner

The Court: The affidavit of service shows that the respondent was served on 1st July, 2023 and that the security personnel of the concerned industrial estate accepted service of the petition.

The respondent is, however, not represented.

The impugned award dated 31st August, 2023 is passed by the MSME Council under the provision of MSME Act, 2006. Section 19 of the MSME Act makes it clear that before any application for setting aside of an award passed by the Council is entertained by the Court, the petitioner (not the supplier) will have to put in 75% of the awarded amount with the Court.

The petitioner shall hence pay 75% of the awarded amount which comes to Rs.8,47,819/- with the Registrar, Original Side within two weeks from date. This is the figure indicated on behalf of the petitioner.

List this matter after two weeks.

This order shall be communicated to the respondent by 4:30 P.M. tomorrow (13/7/2023).

(MOUSHUMI BHATTACHARYA, J.)

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