

OCD 18

ORDER SHEET
EC/142/2022
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

PARTHA CHAKRABORTY
VS
BRAITHWAITE BURN AND JESSOP CONSTRUCTION CO. LTD.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 24th October, 2025.

Appearance:
Mr. Loknath Chatterjee, Adv.
Mr. Sukanta Ghosh, Adv.
...for the award-holder

Mr. Anubhab Sinha, Adv.
Mr. Kamal Kr. Chattopadhyay, Adv.
Ms. Rimi Chatterjee, Adv.
...for the award-debtor

The Court:

1. This is an application for execution of an award dated September 14, 2010, which was corrected on September 25, 2010. It is submitted by Mr. Sinha that an application challenging the award is pending but the same has not been taken up.
2. Mr. Chatterjee, learned advocate for the award-holder submits that no application for stay of operation of enforcement of the award has yet

been filed. Under such circumstances, the execution should proceed. I am of the opinion that the execution case should proceed in the absence of any stay.

3. It appears that when the execution application was filed, an amount of Rs.81,01,759.14/- was payable according to the award-holder. More than 15 years have passed but the award is yet to be executed.
4. Under such circumstances, this Court is of the view that justice would be sub-served if the award-debtor is directed to secure a sum of Rs.90 lakhs by way of the bank guarantee, which is to be deposited with the Registrar, Original Side, High Court at Calcutta to the satisfaction of the learned Registrar. The bank guarantee shall be unconditional and shall be kept renewed till disposal of the application under Section 34 of the Arbitration and Conciliation Act, 1996
5. Let AP 738 of 2010 be added to the list under the appropriate heading.
6. Such bank guarantee shall be deposited within three weeks from date. In case of failure to comply with this order, one of the senior most officers shall make himself present before this Court to answer the questions to be put.
7. Let this matter appear in the list on 28th November, 2025.

(SHAMPA SARKAR, J.)