

OCD-34

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/1/2025
In EC-COM/268/2024
SHRISTI INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED
VS
THE STATE OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 30th April, 2025.

Appearance:

Mr. Pratip Mukherjee, Adv.

Mr. Surajit Basu, Adv.

.... for the award-holder

The Court: GA-COM 1 of 2025 is an application under Section 36 of the Arbitration and Conciliation Act, 1996 for stay of the execution proceeding. It is pleaded that, upon rejection of the application for setting aside the arbitral award by judgment and order dated July 6, 2024, a Civil Revisional Application under Article 227 of the Constitution of India has been filed before the High Court. Thus, the execution cannot continue till the GA is decided. In the, prima facie, view of the Court Section 37(1)(c) of the Arbitration and Conciliation Act, 1996 provides a statutory appeal. The Act is a complete Code and the remedy of the applicant/award-debtor is under the specific provision of the said Act.

Under such circumstances, there cannot be any stay of the execution without any security. This Court is also of the, prima facie, view that a case for unconditional stay of the award has not been made out. Under such

circumstances, execution shall continue. On the next date, the award-debtor will disclose the account of the Public Works Department which is maintained with the Reserve Bank of India.

Let this matter appear on 6th May, 2025 at 4 P.M.

This order shall be communicated to the learned advocate-on-record for the award-debtor by the learned advocate-on-record for the award-holder. The prayer for attachment of the account lying with the Reserve Bank of India will be considered on the next date.

(SHAMPA SARKAR, J.)

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