

OCD -30

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

EC-COM/268/2024
IA GA-COM 1 of 2025
SHRISTI INFRASTRUCTURE DEVELOPMENT CORPORATION
LIMITED
VS
THE STATE OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 6th May, 2025.

Appearance:

Mr. Pratip Mukherjee, Adv.

Mr. Surajit Basu, Adv.

Mr. Purnankar Biswas, Adv.

.... for the award-holder

Mr. Sirsanya Bandhopadhyay, Adv.

Mr. Paritosh Sinha, Adv.

Mr. Arindam Mandal, Adv.

Ms. Swagata Ghosh, Adv.

...for the award-debtor

The Court: IA GA-COM 1 of 2025 is an application seeking stay of the execution. Mr. Bandhopadhyay submits that the award-debtor is willing to secure the amount by depositing the same before the learned Registrar, Original Side, High Court, Calcutta. Mr. Mukherjee submits that this cannot be allowed, in view of the fact that there is no pending application under Section 34 of the Arbitration and Conciliation Act, 1996, before this Court. The Commercial Court at Asansol did not entertain the application under Section 34 of the said Act, on the ground of lack of territorial jurisdiction. Mr.

Bandhopadhyay submits that, challenging such order, an application under Article 227 of the Constitution of India has been filed. In my view, the application under Article 227 of the Constitution of India is not a continuation of the proceeding under Section 34 of the said Act.

The execution case has been filed long ago and the award has not been stayed. The amount of Rs. 4.70 crores shall remain attached by the Reserve Bank of India, from the account maintained by the award debtor/State of West Bengal, with the Reserve Bank of India. The application is accordingly disposed of.

Let the execution application be adjourned for a period of three months, to enable the award debtor to get the revisional application heard.

Prayer for disbursal will be considered on the next occasion, in case the State of West Bengal is unsuccessful in the civil revisional application.

EC-COM 268 of 2024 will appear in the list on 6th August, 2025 at 4 P.M.

(SHAMPA SARKAR, J.)