

OCD 19

ORDER SHEET
EC/173/2022
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: 24th October, 2025.

Appearance:
Mr. Sakya Sen, Sr. Adv.
Ms. Nilanjana Adhya, Adv.
Mr. Supratik Basu, Adv.
...for the award-holder

Mr. Paritosh Sinha, Adv.
Mr. Arindam Mandal, Adv.
Mr. Ritoban Sarkar, Adv.
Ms. Swagata Ghosh, Adv.
...for the State

The Court:

1. In view of the order of the Hon'ble Apex Court, Mr. Sinha submits that an application under Article 227 of the Constitution of India shall be filed. In the meantime, the execution has proceeded as the order of stay of the execution had been vacated by the jurisdictional court.

2. In order to enable the award-debtor to avail of the remedy prescribed by law, it would be proper for this court not to direct release of the sum in favour of the award-holder, but pass a direction upon the award-debtor that is the State of West Bengal to deposit the sum of Rs.2.96 crores (which is already lying attached by the order of this Court) by a short term interest bearing auto renewable fixed deposit. Such fixed despite shall be made within a period of four weeks and the photocopy of such fixed despite certificate shall be shared with the award-holder. The order of attachment shall be inoperative to the extent that the award-debtor shall be allowed to withdraw the sum of Rs.2.96 crores solely for the purpose of creating the fixed deposit.
3. The issue of release of the amount shall be decided only upon considering the fate of the revisional application.
4. Let this matter appear in the list on 19th December, 2025.

(SHAMPA SARKAR, J.)