

OCD-2

EC/174/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

M/S B.B.M. ENTERPRISES
VS
STATE OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 28th February, 2025.

Appearance:

Mr. Sakya Sen, Sr. Adv.

Ms. Nilanjana Adhya, Adv.

. . .for the petitioner.

Mr. Paritosh Sinha, Ld. AoR.

Mr. Arindam Mandal, Adv.

Mr. Aishik Chakraborty, Adv.

. . .for the State.

The Court: The award-holder insists that the execution should continue in view of the fact that the Commercial Court at Alipore has rejected the application under Section 36(2) of the Arbitration and Conciliation Act, 1996 filed by the award-debtor.

Mr. Sinha, learned advocate for the award-debtor, submits that in terms of the first order passed by the learned Commercial Court, a substantial amount was secured. Thereafter, the petitioner prayed for enhancement of the security. The Court allowed such prayer. The award-debtor did not deposit the enhanced amount and ultimately the stay was vacated by order dated 21st January, 2025.

Mr. Sinha submits that the matter may be placed in the month of April, 2025 to enable the award-debtor to approach the Hon'ble Apex Court against the

order passed by the learned Commercial Court at Alipore. This prayer seems to be reasonable. Let the execution application be listed on 11th April, 2025.

This Court is of the view that this adjournment may be granted to the award-debtor as major part of the amount is already secured, and an opportunity should be given to approach the Hon'ble Apex Court.

(SHAMPA SARKAR, J.)

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