

ORDER

OCD-17

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/950/2025
D K BAKING PRIVATE LIMITED
VS
M/S ATR ASSOCIATES

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: December 17, 2025.

Appearance:-

Mr. Shatadru Chakraborty, Adv.

Mr. Debraj Sahu, Adv.

Mr. Bhaskar Diwedi, Adv.

Mrs. Sucheta Mitra, Adv.

Mr. Hareram Singh, Adv.

Mr. Saptarshi Ranjan Chatterjee, Adv.

Mr. Arghodip Das, Adv.

..for the petitioner.

The Court:- Affidavit of service is taken on record.

The petitioner has preferred the present application under Section 9 of the Arbitration and Conciliation Act, 1996 seeking an interim protection against the respondent for securing the awarded sum of Rs. 22,86,760/- along with an interest at the rate of 10% per annum from 24.09.2020 till 31.10.2025, together with the costs, the total sum aggregating to Rs. 37,08,713/- as granted by the learned sole arbitrator vide the arbitral award dated 7th November, 2025.

It is a case of the petitioner that pursuant to the agreement dated 11th April, 2013, the respondent was appointed as a consignment agent of the petitioner with effect from 01.04.2013 for the purpose of marketing and sale of the petitioner's products throughout the state of Orissa. In terms of the said

agreement during the financial years 2012-13 and 2014-15, the petitioner dispatched goods of a total worth of Rs. 7,17,96,183/- directly to stockists and dealers in Orissa on the instruction of the respondents. The said transactions were considered and construed as 'stock transfers' by the parties and accordingly, the respondent issued F-Forms. However, the commercial Tax Officer, CST, West Bengal treated the transaction between the parties as "Inter State Sales" instead of "Stock Transfer". Thus, the Commercial Tax Officer refused to accept the 'F Forms' and requested to submit the 'C Forms'.

The petitioner upon such finding from the Commercial Tax Department, West Bengal immediately communicated the same to the respondent and the Commercial Tax Department, Orissa and requested for issuance of C Forms instead of F Forms. In that respect the petitioner had issued a letter to the respondent on 17.11.2023 discussing the said issue and requested the respondent to reapply for C Forms. The respondent failed to do so, as a result of which the petitioner was compelled to pay an additional amount to the tax authorities.

Upon the respondent's refusal to reimburse the said amount, the disputes were referred to arbitration. Ultimately, the learned arbitrator by an award dated 07.11.2025, allowed the claims of the petitioner and awarded a sum of Rs. 37,08,713/- in its favour.

Learned counsel for the petitioner Mr. Chakraborty submits that the details of the immovable properties of the respondents are not known. He, therefore, seeks an interim relief by way of attachment of the respondent's Bank Account linked to PAN No. ABYPA4852F, which has inadvertently been mentioned as ABYPA4852F1.

This Court notes that the PAN number cannot be more than 10 digits and the mistake is inadvertent in nature.

Since the arbitral award was passed on 07.11.2025 and the statutory period for challenging the said award has not yet expired, learned counsel for the petitioner apprehends that unless the respondent is restrained from operating the Bank Account linked to the aforesaid PAN number, the respondent may withdraw or dissipate the funds thereby frustrating the enforcement of the arbitral award.

Upon consideration and the pleadings and the argument advanced by the learned counsel for the petitioner, this Court is satisfied that the petitioner has made out a prima facie case inasmuch as the arbitral tribunal award dated 07.11.2025, directs the payment of quantified sum of Rs. 37,08,713/- in favour of the petitioner. The balance of convenience also lies in favour of the petitioner as the relief sought is only to secure the awarded amount pending the statutory period for challenge and no prejudice would be caused to the respondent by such protective measures.

On the contrary, if the interim protection is not granted, the petitioner would suffer irreparable loss and injury, as there exists a real apprehension of the respondent dissipating the funds thereby rendering the arbitral award a nugatory and defeating its enforcement.

In view thereof, the Reserve Bank of India is directed to forthwith freeze and attach the bank account(s) linked with PAN No. ABYPA4852F and secure an amount of ₹37,08,713/- within a period of three weeks.

Respondent is directed to file an affidavit in opposition within a period of four weeks, reply to the same, if any, be filed within a period of two weeks thereafter.

Learned counsel for the petitioner is directed to communicate the server copy of this order to the Reserve Bank of India.

List the matter after six weeks i.e. on 28.01.2026.

(GAURANG KANTH, J.)

Arsad