

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO. GA-COM/1/2025
IN EC/403/2023

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED
VS
SUBRATA MUKHERJEE AND ANR.

BEFORE:
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
Date: 7th February, 2025.

APPEARANCE:
Mr. Ranjit Singh, Adv.
Mr. Amar Singh, Adv.
Mrs. Tutul Das, Adv.
Ms. Pooja Sett, Adv.
Ms. Anuska Ray, Adv.
...for the petitioner.

Mr. Abhishek Chakraborty, Adv.
...for the respondent.

The Court: The present petition has been filed by the award-debtors in connection with an arbitral award, for recall of an order issuing warrant of arrest against the award debtors for non-compliance of the court's order in not filing their affidavits-of-assets and non-appearance before the executing court. Learned counsel for the petitioners submits that the award-debtors are not in a position to meet the award due to their financial incapacity.

However, by the order of which recall has been sought, warrant of arrest had been issued for non-compliance of the Court's order by not filing affidavit of assets and/or appearing before the executing Court.

I do not find any reason as to why such non-compliance is mitigated due to the financial incapacity of the award-debtors. In the event the award-debtors have difficulty in paying off the awarded amount, it is for the award-debtors to appear before the executing Court as per the direction of the executing Court and also to file their affidavit of assets to that effect.

Having not done so, I do not find any scope of recall of the order of issuance of warrant of arrest.

Accordingly, GA-COM/1/2025 is dismissed on contest.

The warrant is sustained.

(SABYASACHI BHATTACHARYYA, J.)

KB
AR(CR)