



2023:CHC-OS:1728

OCD-8

ORDER SHEET

IA NO.GA/3/2023

In

AP/808/2022

IN THE HIGH COURT AT CALCUTTA

Ordinary Original Civil Jurisdiction

ORIGINAL SIDE

(Commercial Division)

THE STATE OF WEST BENGAL AND ORS.

VS

M/S. B B M ENTERPRISE

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 27th September, 2023

Appearance:

Ms. Nilanjana Adhya, Adv.

...for the applicant

Mr. Paritosh Sinha, Ld. AOR

Mr. Priyankar Saha, Adv.

Mr. Arindam Mandal, Adv.

Mr. Shourya Samanta, Adv.

...for State

The Court: This is the fourth application made by the award-holder pursuant to a judgment and order passed by this Court on 25th July, 2023 permitting the award-holder to withdraw Rs.9 crores upon furnishing a bank guarantee of an equivalent amount with the Registrar, Original Side. The award-holder/applicant filed several applications thereafter for modification of this order which were essentially in the nature of ironing out the creases in implementation of the judgment and order.



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The present application is on account of the 1% commission deducted by the Registrar, Original Side on the award-holder withdrawing the amount which was permitted by the Court.

Learned counsel appearing for the award-holder submits that Chapter XXXVI Rule 56 would not apply to the present fact since the award-holder has neither paid nor deposited this amount with the Registrar.

This is a matter where the Registrar, Original Side should be kept in the loop.

List this matter on 6th October, 2023.

The petitioner shall communicate this order as well as the earlier orders along with a copy of the petition to the Registrar, Original Side by 10.30am on 29th September, 2023.

(MOUSHUMI BHATTACHARYA, J.)

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