



OCD-5

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 : 11th October, 2023

Appearance:

Ms. Nilanjana Adhya, Adv.

...for the applicant

Mr. Anirban Ray, Ld. GP

Mr. Priyankar Saha, Adv.

Mr. Paritosh Sinha, Ld. AOR

Mr. Arindam Mandal, Adv.

...for State

The Court: The petitioner/award-holder seeks to argue that the learned Registrar, Original Side of this Court was not entitled to retain 1% of the amount which the petitioner was permitted to withdraw pursuant to a judgment dated 25th July, 2023. The retention of 1% is provided under Chapter XXXVI Rule 74 Clause 56 of the Original Side Rules. The Registrar had also given a report to that effect which was considered by the Court on the previous occasion.



The fine distinction which counsel seeks to draw between deposit and withdrawal and the 1% being applicable only in cases of deposit is not acceptable. This is also in view of the fact that the award-holder has furnished three bank guarantees amounting to Rs.9.9 crores along with 1% deposit, the records presented by the Department corroborates this. This is disputed on behalf of the award-holder.

Nothing further remains of this matter. In any event, several applications have been filed by the award-holder after the judgment passed by this Court. The Court will not intervene any further.

GA/3/2023 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)