

OCD-10

ORDER SHEET

AP/871/2022

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

HIRANMAYE ENERGY LIMITED
VS
M/S. A. K. ENTERPRISE

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 16th November, 2023.

Appearance:

Mr. Rishad Medora, Adv.
...for the petitioner

Ms. Ujjaini Chatterjee, Adv.
Mr. Pinak Kr. Mitra, Adv.
...for the respondent

The Court: The delay of 23 days in filing the present application is condoned. The reasons are set forth in paragraph 48 of the application.

There is a substantial difference between the calculations presented on behalf of the petitioner/award-debtor and the respondent. The petitioner/award-debtor is the buyer who is at the receiving end of the impugned Award passed by the MSME Council. The Award is dated 5th April, 2022.

Section 19 of the MSMED Act, 2006 requires the buyer to put in 75% of the awarded amount in the event the buyer challenges the Award.

While learned counsel appearing for the petitioner submits that 75% of the awarded amount would be approximately Rs.19.75 lakhs, learned counsel appearing for the respondent submits that 75% would be Rs.51.83 lakhs. The difference is based on the calculation being made on the principal sum and the entirety of the Award respectively.

List this matter on 29th November, 2023, as prayed for, for hearing counsel on this point.

(MOUSHUMI BHATTACHARYA, J.)

R.Bhar