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09.07.2021
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**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

C.O. No. 886 of 2021

(Via video conference)

**Alok Patwari
-Vs.-
Shiv Shakti Food Products**

Mr. Pratyush Patwari
...for the petitioner

In view of the nature of the order proposed to be passed, no prior service of notice on the opposite party is deemed necessary. Rather, such direction shall unnecessarily delay the proceedings before the executing forum.

Learned counsel appearing for the petitioner contends that the executing forum acted without jurisdiction in directing the decree-holder to take steps for filing certified copy of the “application” for the purpose of furnishing addresses of the parties to the award.

It has also been found by the executing forum in the impugned order, dated March 16, 2021, that the award does not contain such addresses.

By placing reliance on Section 31 of the Arbitration and Conciliation Act, 1996, learned counsel for the petitioner contends that there is no mandatory requirement for mentioning the addresses of the parties in the award.

That apart, by placing reliance on the tabular statement accompanying the application for enforcement of the award, annexed at page 14 of the instant revisional application, learned counsel points out that the detailed addresses of both parties were explicitly disclosed in the tabular statement.

There is substance in the contention of learned counsel for the petitioner that in view of the statutory requirement having been complied with and detailed addresses of both the parties having been provided in the tabular statement accompanying the application for execution of the award, there was no scope for the executing forum to unnecessarily delay the matter for the irrelevant purpose of further filing a certified copy of any application.

That apart, it is submitted that the petitioner's application under Order XXI Rule 30 of the Code of Civil Procedure has been kept

pending indefinitely for adjudication before the said forum.

In the light of the above considerations, C.O. No. 886 of 2021 is disposed of by requesting the Registrar, City Civil Court at Calcutta, to dispose of Money Execution Case No. 283 of 2020, along with all pending connected applications, including the application of the award-holder under Order XXI Rule 30 of the Code of Civil Procedure, as expeditiously as possible, positively within two months from the date of communication of this order to the said forum.

The impugned order, bearing Order No. 4 dated March 16, 2021, passed by the Registrar, City Civil Court at Calcutta in Money Execution Case No. 283 of 2020 is, thus, set aside.

The learned advocate for the petitioner is requested to communicate this order, along with a server copy thereof, at the earliest to the Registrar, City Civil Court at Calcutta to ensure due compliance.

The Registrar, City Civil Court at Calcutta shall act on such communication without insisting upon prior production of a certified copy of this order.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)