

ORDER SHEET

EC/15/2021

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
[Commercial Division]

R PIYARELALL IRON AND STEEL PRIVATE LIMITED
VS
RAM PRASAD AGARWALA AND ORS

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date: 22nd February, 2021.

[Via Video Conference]

Appearance:

Mr. Jayanta Kr. Mitra, Sr. Adv.

Mr. Biswajib Ghosh, Adv.

Ms. Nilanjana Adhya, Adv.

Mr. Debdut Mukherjee, Adv.

Mr. Kaushik Banerjee, Adv.

Ms. Sudipta Paul, Adv.

Mrs. Rashmita Sen, Adv.

Mr. Abhishek Agarwal, Adv.

Mr. Abhijit Chatterjee, Adv.

The Court : The execution petition is taken up for consideration subsequent to the order dated February 2, 2021.

Learned senior advocate appearing for the judgement-debtor no.5 submits that, the award was passed against the Fair Deal Suppliers Private Limited and not against the Fair Deal Supplies Limited. He submits till such time the award is corrected in accordance with law, the same cannot be executed as against the award-debtor no.5 as described in the cause title of the execution petitioner.

It appears from the records made available to Court that, the error in the award was sought to be corrected before the Arbitral Tribunal which by its order dated November 9, 2019 expressed its inability to do so in view of the expiry of the period of time. A revisional application was filed which was disposed of by an order dated December 7, 2020. The fact remains that, the error appears on the face of the award is yet to be corrected.

In such circumstances, it would not be proper to allow the award as against the award-debtor no.5 who was described in the cause title of the execution petition.

EC No.15 of 2021 is therefore, disposed of.

Interim order passed earlier stands vacated.

Award-holder is at liberty to obtain the certified copy of the award put into execution upon furnishing the duly authenticated copy thereof to be kept with the records of the Court.

(DEBANGSU BASAK, J.)