

ODC-9

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

AP/414/2021

MICKY METALS LIMITED
Versus
HASANUR JAMAN LASKAR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 16^h December, 2021

Appearance:
Ms. Debjani Ghosh, Adv.
Mr. Bhaskar Mukherjee, Adv.
Mr. Debraj Sahu, Adv.
Ms. Nafisa Yasmin, Adv.
...for the petitioner

The Court:- This is an application under Section 9 of the Arbitration and Conciliation Act, 1996 post the final award dated 21st August, 2021. It is submitted on behalf of the petitioner that pursuant to the award, the petitioner is entitled to a sum of approximately Rs.29,81,663/- particulars whereof are set out in paragraph 19 of the petition. The only assets which the petitioner has been able to ascertain which the respondent owns and also the bank account operated by the respondent, are set out in paragraphs 20 and 21 of the petition. By an order dated 10th November, 2021 this Court had directed the respondent to make a payment of Rs.2,00,000/- in favour of the petitioner without prejudice to his rights and contentions. The order was passed in view of the submissions made by the respondent that only a sum of approximately Rs.2,00,000/- was due and payable by the respondent to the petitioner.

Notwithstanding the order dated 10th November, 2021 the respondent has been unable to pay the sum of Rs.2,00,000/- to the petitioner.

In view of the aforesaid, I am satisfied that the petitioner has a strong prima facie case of merits, the balance of convenience and irreparable injury also warrants passing of orders in favour of the petitioner as prayed for. It is admitted that there is no challenge to the said award and the same has become final, binding and enforceable. In view of the aforesaid, there will be an order of injunction in terms of prayers (a) and (b) of the Notice of Motion.

With the aforesaid directions, AP No. 414 of 2021 stands disposed of.

(RAVI KRISHAN KAPUR, J.)

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