

ODC-8

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

AP/413/2021

MICKY METALS LTD
Versus
MOHAMMAD IRAK MOLLA

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

Mr. Subhajit Chowdhury, Adv.
Mr. Sujan Das, Adv.
...for the respondent

The Court:- This is an application under Section 9 of the Arbitration and Conciliation Act, 1996, post the award dated 30th August, 2021.

It is submitted on behalf of the petitioner that the award directs payment of approximately Rs.57,77,850/- particulars whereof are set out in paragraph 19 of the petition. By an order dated 17th November, 2021 this Court had granted an order of injunction in terms of prayer (a) of the Notice of Motion. Thereafter, by an order dated 10th December, 2021 the respondent was directed to ascertain as to what security they could provide for the said sum of Rs.57 lakhs. Notwithstanding the aforesaid order, the respondent had not been able to furnish any security to the claim of the petitioner.

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. Accordingly, there shall be an order of injunction in terms of prayers (a) and (b) of the Notice of Motion.

I also find the award directs payment of approximately Rs.57 lacs. There is no challenge to the said award. Accordingly, appropriate interim orders ought to be passed so that the award is not rendered nugatory.

With the aforesaid directions, AP No. 413 of 2021 is disposed of.

(RAVI KRISHAN KAPUR, J.)

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