

ODC-1

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

EC/88/2020

SAIBAL KUMAR HAZRA
Versus
UNION OF INDIA (EASTERN RAILWAY)

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 5th January, 2022

Appearance:
Ms. Krishna Yadav, Adv.

The Court: This is an application for execution of an award dated 22nd November, 2007. The application had been filed on 11th February, 2020. It ex facie appears that the application is barred under Article 136 of the Limitation Act, 1963, since the same has not been filed within the mandatory period of 12 years from the date of passing of the award.

Now, it is submitted on behalf of the decree-holder that an application under Section 34 of the Arbitration and Conciliation Act, 1996 is pending before this Court.

In view of the aforesaid, I am of the view that the instant application is ex facie barred by limitation and not maintainable.

Accordingly, EC/88/2020 is dismissed as not maintainable.

Liberty is granted to the decree-holder to file a fresh execution application, if the circumstances so warrant at the appropriate stage if necessary.

(RAVI KRISHAN KAPUR, J.)

TO