

ODC-1 & 2

EC/351/2019
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
[COMMERCIAL DIVISION]

M/S. PARESH NATH DATTA
VS
WEST BENGAL HOUSING BOARD AND ANR

AP/258/2012
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

WEST BENGAL HOUSING
BOARD
VS
M/S PARESH NATH DATTA

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 15th February, 2022.

Appearance:

Mr. Nilendu Bhattacharjee, Adv.

Mr. Tapan Coomar Dey, Adv.

Ms. S. Chatterjee, Adv.

Mr. Prasanta Kr. Banerjee, Adv.

Ms. Indran Nandi, Adv.

Ms. Krishna Yadav, Adv.

The Court : EC 351 of 2019 is an application for execution of an award dated 28 December, 2011. It appears that diverse orders have been passed from time to time in this proceedings.

It is now brought to the attention of this Court that an application under Section 34 of the Arbitration and Conciliation Act, 1996 has been pending

challenging the award. In view of the aforesaid, no purpose would be served in keeping this execution petition pending. EC 351 of 2019 is dismissed as withdrawn.

Liberty is granted to the decree-holder to take back original certified copy of the award and file an appropriate execution application if the circumstances so warrant, in accordance with law.

RE: AP/258/2012

This is an application under Section 34 of the Arbitration and Conciliation Act, 1996.

It appears that by an order dated 7 August, 2012, the respondent was directed to file an Affidavit-in-Opposition. Notwithstanding a lapse of nearly a decade, the respondent has still not filed any Affidavit-in-Opposition. On the contrary, it appears from the records that the decree-holder had chosen to file an execution petition suppressing the fact that this application under Section 34 of the Arbitration and Conciliation Act was pending before this Court. As a last chance, the time to file an Affidavit in Opposition is extended by a period of two weeks from date. Reply, if any, one week thereafter.

Let this matter appear on 21 March, 2022.

The parties are also directed to file their Written Notes of Submissions and exchange copies thereof prior to the returnable date.

(RAVI KRISHAN KAPUR, J.)