

ODC-6

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

AP/416/2021

MICKY METALS LIMITED
Versus
TAPAS KUMAR SHIT

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

Appearance:
Mr. Debraj Sahu, Adv.

The Court: This is an application under Section 9 of the Arbitration and Conciliation Act, 1996 post publication of the award dated 11th May, 2021 ("the award").

By the award, the Learned Arbitrator had directed that a sum of Rs.16,43,175/- be paid by the respondent to the petitioner. The particulars of the awarded amount morefully described at paragraph 24 of the application.

By an earlier order this Court had granted an order of injunction in terms of prayer (b) of the Notice of Motion, inter alia, restraining the respondent from withdrawing any amount from any of the bank accounts morefully described in paragraph 25 of the petition.

It is submitted on behalf of the petitioner that notwithstanding repeated notices the respondent had deliberately and intentionally chosen not to appear

before this Court. In this connection an affidavit of service has also been filed by the petitioner which substantiates the fact that the respondent has been duly served on 23rd December, 2021.

None appears on behalf of the respondent nor is any accommodation prayed for on their behalf. Hence, it appears that the respondent has deliberately chosen not to appear in this proceeding.

In view of the aforesaid, I am of the view that since this is an application under Section 9 post publication of the award, appropriate orders ought to be passed in favour of the petitioner.

In view of the aforesaid, I am prima facie satisfied that the petitioner has a strong case on merits, the balance of convenience and irreparable injury also warrants passing of orders in favour of the petitioner as prayed for.

I confirm the order dated 22nd December, 2021. Accordingly, there shall be an order in terms of prayer (b) of the Notice of Motion.

In view of the aforesaid circumstances, AP/416/2021 stands disposed of.

(RAVI KRISHAN KAPUR, J.)