

ODC-7

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

AP/417/2021

MICKY METALS LTD.
Versus
AMLAN GIRI

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 9th July, 2021 ("the award").

By the award the Learned Arbitrator has directed that a sum of approximately Rs.15.91 lakhs be paid by the respondent to the petitioner. The particulars of the awarded amount are morefully described at paragraph 21 of the petition.

By an earlier order, this Court had granted an order of injunction in terms of prayer (a) of the Notice of Motion, inter alia, restraining the respondent from withdrawing any amount from any of the bank accounts morefully described in paragraph 21 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 had been duly served on 23rd December, 2021.

None appears on behalf of the respondent nor is any accommodation prayed for on their behalf.

Accordingly, 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 warrant passing of orders in favour of the petitioner as prayed for.

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

Accordingly, AP/417/2021 stands disposed of.

(RAVI KRISHAN KAPUR, J.)