

OD-31 & 32

IA NO. GA/2/2021
In EC/418/2019
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

ARTISTERY HOUSE PVT LTD AND ANR
Vs
PENGUINE HOSPITALITY PVT LTD

IA NO. GA/1/2021
In EC/418/2019
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

ARTISTERY HOUSE PVT LTD AND ANR
Vs
PENGUINE HOSPITALITY PVT LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 31st January, 2022.

Appearance:
Mr. Jishnu Chowdhury, Adv.
Mr. Chayan Gupta, Adv.
Ms. Iram Hassan, Adv.

Mr. Suddhasatva Banerjee, Adv.
Mr. Rudrajit Sarkar, Adv.

The Court : This is an application for transfer of EC No. 418 of 2019 from the Ordinary Original Civil Jurisdiction to the Commercial Division of this Hon'ble Court. The application is filed under Section 15 of the Commercial Courts Act, 2015.

Heard Mr. Jishnu Chowdhury, Advocate on behalf of the decree-holder.
Heard Mr. Banerjee, Advocate appearing on behalf of the judgment debtor who fairly submits that he has no objection to this application and that the earlier points he had raised insofar as transfer was concerned were frivolous and unsustainable.

In view of the submissions made on behalf of the parties, the present application is allowed. Let there be an order in terms of prayer (a) of the Master Summons.

With the aforesaid directions, GA 2 of 2021 stands disposed of.

In view of the formal and technical reason for dismissal of EC No. 418 of 2019, all the interim orders granted in EC 418 of 2019 will continue to remain valid and subsisting for a period of four weeks from date.

The decree-holder is directed to positively file an execution petition in the Appropriate Division in terms of the aforesaid order as expeditiously as possible.

GA 1 of 2021 is also disposed of as infructuous. However, liberty is granted to the applicant in GA 1 of 2021 to file an application afresh upon filing of the proposed execution application.

(RAVI KRISHAN KAPUR, J.)