

OCD-2

IA NO. GA-COM/1/2025
In AP/626/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

HINDUSTAN COPPER LIMITED
Vs
BHAGWATI OXYGEN LIMITED

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 26th March, 2025.

Appearance:
Ms. Sakshi Tiwari, Adv.
. . .for the petitioner.

Mr. Paritosh Sinha, Adv.
Ms. Shrayshee Das, Adv.
Mr. Tridibesh Dasgupta, Adv.
. . .for the respondent.

The Court: Let this matter appear in the list on 21st April, 2025, to enable the respondent to come back with necessary instructions.

The GA COM 1 of 2025 has been filed in this execution case for a direction upon the learned Registrar, Original Side to return the bank guarantee which was deposited by the award-holder before the learned Registrar Original Side. Further prayer is to record withdrawal of AP 626 of 2022.

Mr. Sinha relies on a settlement arrived at between the parties dated March 6, 2025. According to the terms of settlement, the award debtor was to pay a particular sum within a month from the date of execution of the said agreement and both parties were to withdraw their respective applications for setting aside the award. Learned advocate for the respondent does not deny the

execution of the settlement agreement. It is also submitted by Mr. Sinha that the settlement agreement has been uploaded in the website of the GeM portal and as such there is no further scope for the respondent to withdraw from the said settlement.

This Court finds that the submissions of Mr. Sinha are, prima facie, correct. However, as the learned advocate for the respondent prays for some time, such time is allowed, only to enable the parties to carry out the terms and conditions of the settlement agreement entered into between them, as submitted.

The supplementary affidavit showing the factum of uploading of the settlement agreement in the official website of the GeM Portal is also taken on record.

(SHAMPA SARKAR, J.)

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