

OD 23

ORDER SHEET
AP/106/2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

RISHI KUMAR
VS
ARCHER HOSPITALITY PVT. LTD.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 26th April, 2023.

Appearance:
Mr. A.C. Kar, Adv.
Mr. Anirban Kar, Adv.
Mr. Munshi Ashiq Elahi, Adv.
Ms. Sushmita Bhattacharjee, Adv.
Ms. Snigdha Das, Adv.
...for the applicant

Mr. Suman Kumar Dutt, Adv.
Mr. Mohit Gupta, Adv.
Mr. A.P. Agarwalla, Adv.
...for the respondent no.1

The Court: Heard counsel appearing on behalf of the parties. Mr. Kar, counsel appearing on behalf of the petitioner/award-debtor has filed a Section 9 application for seeking amendment of an order passed on 1st March, 2019 wherein a sum of Rs.50 lakhs was deposited by Mr. Kar's client. This money is lying with the Registrar, Original Side and has been deposited with a nationalized bank yielding interest. According to Mr. Kar, this amount that has been deposited should not have been deposited as the award is, on the face of it, illegal.

In my view, the issue of legality of the award can only be decided on the Section 34 application. Accordingly, the hearing of the Section 34 application (AP/597/2018) is expedited.

The matter is fixed on 13th July, 2023 for hearing at 12:30 p.m.

Since the matter is fixed for hearing, Mr. Kar does not press the present application bearing No.AP/106/2023. Accordingly, AP/106/2023 is dismissed as not pressed.

(SHEKHAR B. SARAF, J.)