

OD-25

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

EC/276/2018
IA NO: GA/1/2019, GA/2/2019(Old No:GA/2250/2019),
GA/3/2021

M/S. B.B.M. ENTERPRISES
VS
STATE OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 1st September, 2023.

Appearance:
Mr. Paritosh Sinha, Adv.
Mr. Arindam Mandal, Adv.
Mr. S. Samanta, Adv.
...for the State

The Court: This is an application for execution of an award dated 17th October, 2016. Pursuant to the filing of this application, the award-debtor has filed an application for setting aside of the award dated 17th October, 2016. By an order dated 17th July, 2019, the impugned award has been stayed till the disposal of the arbitration petition filed under Section 34 of the Act. The decretal dues have also been secured by the award-debtor State.

In such circumstances, the award dated 17th October, 2016 has not attained finality and is inexecutable as on date.

In such circumstances, EC/276/2018 stands dismissed. All connected application being GA/1/2019, GA/2/2019 also and GA/3/2021 stand disposed of as infructuous.

Liberty is granted to the award-holder to file a fresh execution application if the circumstances so warrant in accordance with law.

Liberty is also granted to the award-holder to take back the copy of the original award dated 17th October, 2016 and replace the same with a photocopy thereof.

(RAVI KRISHAN KAPUR, J.)

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