

OD-11

IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
ORIGINAL SIDE

APOT/141/2023  
with  
EC/334/2019  
IA No.GA/1/2023

STANDARD CHARTERED BANK AND ANR.  
VERSUS  
SANJEEV MEHERA AND ORS.

BEFORE:  
The Hon'ble JUSTICE SOUMEN SEN  
AND  
The Hon'ble JUSTICE UDAY KUMAR  
Date : 21<sup>st</sup> June, 2023.

*Appearance:*  
*Ms. Sulagna Mukherjee, Adv.*  
*Ms. Surabhi Banerjee, Adv.*  
*Ms. Chunky Agarwal, Adv.*  
*Ms. Shristi Sharma, Adv.*  
*...for the appellants.*

*Mr. Jayjit Ganguly, Adv.*  
*Mr. Pradip Sancheti, Adv.*  
*Mr. Debangshu Dinda, Adv.*  
*...for the respondents.*

*Mr. Anirban Ray, Adv.*  
*Mr. Snehashis Sen, Adv.*  
*Mr. Abhishek Banerjee, Adv.*  
*...for the award holder in execution petition.*

The Court : Learned Counsel for the petitioner submits that in the objection to the execution petition a specific point has been raised with regard to the executability of the award and such point was not being decided by the Appellate Court while affirming the award. It is further submitted that a review application is pending before the Co-ordinate Bench that had affirmed the order of the learned Single Judge dismissing the application for setting aside of the award.

On an assurance that the pendency of the review petition would not be shown as a reason for delaying the execution proceeding, we request the learned Single Judge to decide the issue with regard to the executability of the award and in the event it is decided against the appellant, then to proceed with the examination of judgment-debtors.

The award-debtors however should file their affidavit of assets without prejudice to their rights and contentions in the execution proceeding.

The appeal and the application are, accordingly, disposed of.

[SOUMEN SEN, J.]

[UDAY KUMAR, J.]