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IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

EC/611/2018

EIC HOLDINGS PRIVATE LIMITED
VS
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KO

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 24th August, 2023.

Appearance:
Mr. Amit Kumar Nag, Adv.
...for award holder.
Mr. Nandlal Singhania, Adv.
...for UOI.

The Court : This is an application for execution of an award dated September 14, 2018.

It is admitted by and between the parties that the award has attained finality and there is no embargo in proceeding with this execution application. In this proceeding the decree holder claims outstanding amounts on account of electricity charges and municipal dues.

The award categorically records that though the claimant was entitled to an award on account of electricity charges and municipal taxes since no documents had been furnished by the claimant the same could not be assessed nor authenticated. For the sake of convenience the relevant portion of the award is set out hereunder:

“ Claimant is also entitled to get an award for payment of electricity charges paid by the claimant for use by the respondents during their stay in the tenanted portion. But no amount could be assessed in absence of valid and authenticated documents.

Claimant is also entitled to get an award for a sum which is due and payable by the respondents in respect of the demised premises on account of property tax and commercial surcharge. Amount cannot be assessed in the absence of valid and authenticated documents.”

In the execution proceedings, an affidavit has been filed on behalf of the office of the judgment debtor i.e. Deputy Labour Commissioner, Kolkata wherein the deponent has agreed to pay property taxes as well as electricity dues. On behalf of the judgment debtor, it is submitted that no further amount is due and payable under the award to the award holder.

I find that no amount on account of electricity charges or property taxes is due and payable by the judgment debtor in terms of the award. There is no award for payment either on account of electricity dues or taxes. There is no decree on account of electricity charges or municipal charges in favour of the award holder. On the contrary, the award stipulates that no amount could be assessed on either of these heads.

It is well settled that a decree cannot be added to, varied or supplemented in an execution proceeding.

In such circumstances, there is no question of making any further payment towards the purported claim of the decree holder which is not borne out from the decree.

Accordingly, EC/611/2018 stands dismissed.

(RAVI KRISHAN KAPUR, J.)