

OD-15

ORDER SHEET

EC/422/2023

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

PIONEER PLASTICS INDUSTRIES LTD.
VS
UNION OF INDIA

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 23rd November, 2023.

Appearance:

Mr. Amitava Ghosh, Adv.

Mr. Navojit Mukherjee, Adv.

Mr. Sourav Chatterjee, Adv.

...for the decree-holder

Mr. Apurba Ghosh, Adv.

...for Union of India

The Court: This is an execution application in terms of an Award dated 30th October, 2007 by which the petitioner was awarded a sum of Rs.67.60 lakhs. The respondent's application for setting aside of the Award was dismissed on 18th July, 2022. On the last occasion when this matter was taken up that is on 18th November, 2023, there was no application filed by the respondent for recalling of the order of dismissal dated 18th July, 2022. Counsel now says that the respondent has filed an application for recalling yesterday i.e., on 22nd November, 2023.

Apart from the palpable delay and indifference on the part of the respondent in seeking recourse against the order dated 18th July, 2022, it must be borne in mind that the Award is of 30th October, 2007 and the award-holder

has waited almost 20 years (three years short) for enjoying the fruits of the Award.

Learned counsel appearing for the respondent award-debtor submits that the delay was caused due to a change in the panel of advocates. This however is no reason for the failure on the part of the respondent to restore the application for setting aside to the file of the Court.

There shall accordingly be an order in terms of Column 10 of the Tabular Statement.

The Reserve Bank of India is directed to issue a cheque of the amount of Rs.67,60,020/- from the account in the name of F.A. & C.A.O, (con), South Eastern Railway, Calcutta in favour of the petitioner/award-holder within a fortnight from date.

EC/422/2023 is accordingly disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)

bp.