

6+7 OCD

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

AP 840/2022
EC 83/2023

BHARAT HEAVY ELECTRICALS LIMITED
VERSUS
HIRANMAYE ENERGY LIMITED

WITH

AP 769/2022
IA GA 1/2022

HIRANMAYE ENERGY LIMITED
VERSUS
BHARAT HEAVY ELECTRICALS LIMITED

The Hon'ble JUSTICE SHEKHAR B. SARAF
Date:13TH February, 2023.

APPEARANCE:

Mr. Ratnanko Banerji, Sr. Adv.
Mr. Shaunak Mitra, Adv.
Mr. Sayantak Das, Adv.
Mr. S. Raheja, Adv.
Ms. Joveria Sabbah, Adv.
Mr. Saurodip Banerjee, Adv.
..for the petitioner

Mr. Ranjan Bachawat, Sr. Adv.
Mr. Mainak Bose, Adv.
Mr. Deepanjan Basu Mallick, Adv.
Ms. Anjana Banerjee, Adv.
...for respondent in AP 840/2022 & petitioner in AP 769/2022

The Court: -Heard Counsel appearing on behalf of the parties.

Counsel appearing on behalf of the award-debtor submits that he has not moved his 36 application and, accordingly, the execution proceeding may continue.

It is to be noted that a post award Section 9 application has been filed by the award-debtor and by orders dated 11th January, 2023 and 19th January, 2023, this Court had already passed an order in terms of prayer (b) of the notice of motion restraining the respondents from dealing with or alienating or transferring or creating any third party right, title or interest either directly or indirectly in respect of any of its assets or properties. This order continues till date and is further extended till the disposal of the execution application. The award-debtor is further directed to file affidavit of assets to be affirmed by director of the company within a period of six weeks from date.

In light of the orders passed in Court today, the Section 9 application bearing AP 840/2022 is disposed of.

The petitioner is also directed to give notice of the execution application along with a copy of the said execution application upon banks within a period of one week from date.

The banks are directed to disclose the balance available in the accounts and also to disclose by way of an affidavit the current position of these accounts before this Court.

Let these matters appear seven weeks hence.

Let there be direction for affidavits in the Section 9 application bearing AP 769/2022.

Let affidavit-in-opposition be filed within five weeks from date; reply, if any, within three weeks thereafter.

Parties are at liberty to mention for inclusion in the list.

(SHEKHAR B. SARAF, J.)