

ORDER SHEET

AP-COM/59/2024

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

M/S. CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED

VS

S M TRADERS AND ANR.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 4th November, 2024.

Appearance:

Mr. Aritra Basu, Adv.

Mr. Ranjit Singh, Adv.

Ms. Pooja Sett, Adv.

.... for the petitioner

The Court: None appears on behalf of the respondent.

Affidavit of service filed in Court is taken on record.

This is an application under Section 9 of the Arbitration and Conciliation Act, 1996 for post award injunction. The application does not contain any averment with regard to an attempt on the part of the award-debtor to either alienate any immovable property or cause any mischief in order to frustrate the award. The only asset disclosed is a bank account. No documents have been disclosed which can satisfy the Court that there is an urgent need for passing either an order of injunction upon the respondent, or

for appointment of a receiver. The arbitral award was made on November 7, 2023 and this application was filed on March 18, 2024.

The supplementary affidavit filed in Court is taken on record. The pleadings in the supplementary affidavit discloses a bank account and it is averred that the respondent is allegedly trying to dispose of and alienate his property. However, this Court does not find that a case has been made out in support of such pleading with relevant supporting documents. The Court is of the opinion that a post award injunction is neither necessary nor warranted. No case has been made out for appointment of receiver. The petitioner was at liberty to proceed with the execution of the award. The prayers made in this application could have been made in the execution proceeding.

The application is thus disposed of.

All parties are to act on the basis of server copy of this order.

(SHAMPA SARKAR, J.)

