

OD-10 & 13

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

EC/446/2018
PATREX VYAPAAR LIMITED
VS
URBAN INFRA NIRMAAN PRIVATE LIMITED

EC/221/2018
PATREX VYAPAAR LIMITED
VS
URBAN INFRA NIRMAAN PRIVATE LIMITED

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 12th March, 2024.

Appearance:
Mr. Rishad Medora, Adv.
Ms. A. Choudhury, Adv.
Mr. Dipendra Nath Chunder, Adv.
...for the award-holder.

Ms. Noelle Banerjee, Adv.
Mr. Avijit Dey, Adv.
...for the award-debtor.

The Court: This is an application for enforcement of an award dated 23 April, 2018. Diverse orders have been passed from time to time including appointment of a Receiver.

By an order dated 27 February, 2024, the award-debtor had alleged that the award holder had suppressed the fact that by virtue of a Scheme of Amalgamation dated 8 November, 2021, the award-holder stood dissolved. The scheme was made binding with effect from 1 April, 2020.

Despite being granted an opportunity, the award-holder does not controvert the above.

Any litigant who approaches Court must come with clean hands. Non-production or even non-mentioning of the Scheme of Amalgamation tantamounts to playing fraud on Court. The award-holder was obliged to produce all documents relevant to the litigation. The scheme of amalgamation dated 8 November, 2021 is a material document which goes to the root of maintainability of this application. The award-holder has obtained repeated orders since 21 September, 2021 without bringing this fact on record.

In view of the aforesaid, EC 446 of 2018 stands dismissed.

All interim orders stand vacated.

The Receiver stands discharged.

Re.: EC/221/2018

In view of the order passed in EC/446/2018 and for the same grounds, the connected application being EC/221/2018 also stands dismissed.

All interim orders stand vacated.

(RAVI KRISHAN KAPUR, J.)