

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

EC/256/2017

KOTAK MAHINDRA BANK
LIMITED
VS
SARAT KALITA & ANR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 8th April, 2024.

Appearance:
Ms. S. Das, Adv.

The Court: This is an application for enforcement of an award dated 25th February, 2016.

By the award, the award-debtors have been directed to pay a sum of Rs.15,21,726.35.

It is submitted on behalf of the award-holder that the award has become final, binding and enforceable and there is no embargo in this proceeding with this application.

It is also submitted on behalf of the award-holder that no portion of the award has been satisfied till date.

Diverse orders have been passed from time to time. By an earlier order dated 28th November, 2017, warrants of arrest had been issued against the award-debtors.

Notwithstanding, repeated extensions of the warrants of arrest, the police authorities have been unable to produce the award-debtors till date. It appears

from the Report filed by the police authorities that despite service, no communication has been received from the concerned authorities. Repeated opportunities have been given to the police authorities but they have been unable to implement the orders of Court. The whereabouts of the judgment-debtors remain unknown.

In such view of the matter, the pendency of this proceeding will not enure to the benefit of the award-holder.

EC/256/2017 stands dismissed.

Interim orders, if any, stand vacated.

Receiver, if any, stands discharged.

Warrants of arrest, if any, stands stayed.

Liberty is granted to the award-holder to file a fresh application for enforcement in accordance with law and after obtaining the exact particulars of the award-debtors.

(RAVI KRISHAN KAPUR, J.)