

S/L 23
17.11.2025
Court. No. 25
sourav

WPA 4539 of 2025

**M/S Sundaram Finance Limited & Anr.
Vs.
The West Bengal State Electricity
Transmission Company Limited & Ors.**

*Mr. Prabhat Kumar Srivastava
Ms. Ankita Singh*

...for the petitioners.

*Mr. Supriyo Chattopadhyay
Ms. Debosri Chatterjee*

...for W.B.S.E.D.C.L.

1. The petitioner has filed the present writ application for direction upon the respondents to take steps in accordance with the order dated April 25, 2023 passed by the learned Registrar, City Civil Court, Calcutta in the Money Execution Case No. 155 of 2023 (Sundaram Finance Limited Vs. Mr. Santanu Saraswati & Anr.).
2. This Court finds that the petitioner has got an award on September 25, 2018 wherein the petitioner being the claimant is entitled to get a sum of Rs. 3,21,231.26 along with interest at the rate of 18 per cent per annum from July 19, 2018 till the realization of the said amount. After the award passed by the learned sole arbitrator, the petitioner has preferred an execution case being Money Execution Case No. 155 of 2023.
3. In the execution proceeding the learned Registrar by an order dated 25.04.2023 attached the salary account of the respondent no. 3 under Order 21, Rule 48 of C.P.C. as well as bank holding salary account of respondent no. 3. It is further directed to pay an amount of Rs. 10,000/- to be deducted per month from the salary of respondent no.

3 for a period of 57 months commencing from May 2023 and balance amount of Rs. 5,329/- to be deducted next month after completion of 57 months to satisfy the awarded amount of Rs. 5,75,329/-

4. Subsequently, the learned Civil Judge, City Civil Court by an Order No. 9 dated February 22, 2024 had set aside the award and directed the respondent/judgment debtor to pay the cost of Rs. 50,000/- within 15 days from the date of passing of the order in default the award shall remain in force.
5. The case of the petitioner is that the respondent has not paid the amount of Rs. 50,000/- as per the order dated 22.02.2024, thus the respondent no. 3 is liable to pay the entire awarded amount in terms of order dated 25.04.2023 but the respondent no. 3 has not paid the amount.
6. It is the contention of the petitioners that the respondent no. 2 is the employer of the respondent no. 3 and failed to deduct an amount from the salary of the respondent no. 3 in spite of several representations, thus prayed for a direction upon the respondent no. 2 to deduct an amount from the salary of the respondent no. 3 and to pay to the petitioners in terms of the order passed by Registrar, City Civil Court dated 25.04.2023 in the execution proceeding.
7. The learned Judge, City Civil Court by setting aside the award has imposed cost of Rs. 50,000/- and the judgment debtor has not paid the cost. The respondent no. 2 has not deducted the amount from the salary of the

respondent no. 3. This Court in an application under Article 226 of the Constitution of India cannot execute the decree and order passed in the arbitration proceeding.

8. The petitioners can very well approached the Registrar, City Civil Court for execution of the order dated 25.04.2023 if the respondent no. 3 failed to comply with the order dated 22.02.2024.
9. Considering the above, this Court finds that the writ application filed by the petitioners is not maintainable.
10. WPA 4539 of 2025 is dismissed. However, it is made clear that dismissal of the writ petition will not prevent the petitioners from taking appropriate steps before the appropriate court of law.

(Krishna Rao, J.)