

Court No. 6
(265719)

CO 2780 of 2025

31.07.2025
(AD 27)
(S. Banerjee)

Durgapur Freight Terminal Private Limited
Vs.
Titagarh Logistics Infrastructure Private Limited & Ors.

Mr. Debjit Mukherjee
Mr. Rishad Medora
Mr. Ramendu Agarwal
Ms. Priyanka Jana

...for the petitioner

Mr. Rajarshi Dutta
Mr. Sayantan Bose
Ms. Dakshayni Basu

...for the opposite party no. 1

Mr. Ayan Dutta
Mr. Abhishek Jain

...for the opposite party no. 2

This application under Article 227 of the Constitution of India is at the instance of the Award-debtor and is directed against an order being no. 31 dated July 21, 2025 passed by the Judge, Commercial Court at Alipore in Misc. Case (Arbitration) No. 10 of 2023, renumbered as Misc. Arb (Com) 63 of 2023 in IA No. 5 of 2025.

The opposite party no. 1 herein filed an application being IA No. 3 of 2024 praying for an order declaring that the order of stay of further proceedings of the execution case stood vacated.

The petitioner herein filed an application being IA 4 of 2025 praying for leave to furnish fresh bank guarantee with prayer for return of the old bank guarantee. The application being IA 4 of 2025 was initially fixed on June 3, 2025 and the same was adjourned to August 12, 2025 to enable the parties to exchange their affidavits in the meantime.

Since the execution case is fixed on August 1, 2025, the petitioner herein filed an application being IA 5 of 2025 for preponing the date of hearing of IA 4 of 2025. By the order impugned the prayer for preponing was rejected and the application being IA 4 of 2025 has been fixed on August 12, 2025.

In course of hearing of the civil revision application, Mr. Duta, learned advocate appearing for the opposite party no. 1, on instruction, submits that in order to avoid all controversies, the opposite party no. 1 undertakes not to proceed with the execution case till the application, being IA 4 of 2025, is taken up and disposed of by the learned Judge of the Commercial Court which is fixed for hearing on August 12, 2025.

Mr. Duta, learned advocate appearing for the opposite party no. 1, submits that the issue with regard to furnishing a fresh bank guarantee at this point of time may be decided by the learned Judge of

the Commercial Court but the opposite party no. 1 is agreeable to accept cash security.

Mr. Dutta further submits that written objection to the application being IA 4 of 2025 has already been filed.

Mr. Mukherjee prays for leave to file a reply thereto.

In the light of the submissions made by Mr. Mukherjee, learned advocate, the petitioner will be at liberty to file affidavit-in-reply to the objection filed by the opposite party no. 1 to IA 4 of 2025 on or before August 7, 2025.

Mr. Mukherjee, learned advocate appearing for the petitioner, on instruction, submits that his client is ready and willing to give cash security. However, in course of hearing it transpires that there is a dispute as to the amount of cash security.

In view of such submission, this court is not inclined to enter into such a dispute at this stage and deems fit to leave it open for the learned Judge of the Commercial Court to decide the aspect of furnishing the cash security or for furnishing fresh bank guarantee in accordance with law.

In view of the undertaking given by the opposite party no. 1 herein, there is no necessity to pass any interim order at this stage.

The opposite party no. 2 is represented.

CO 2780 of 2025 stands disposed of by requesting the learned Judge, Commercial Court at Alipore to take up the hearing of IA 4 of 2025 on the next date fixed, i.e., on August 12, 2025 and to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

It is, however, made clear that all points are left open to be decided by the learned Judge of the Commercial Court.

(Hiranmay Bhattacharyya, J.)