

28.10.2025
Court No.25
Item No.21
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

**C.O. 4173 of 2023
With
CAN 5 of 2025**

**Shri Debabrata Bag
Vs.
Shri Bidyut Ghara alias Gora & Ors.**

Mr. Aniruddha Chatterjee, Sr. Adv. (via VC)
Mr. Rahul Karmakar
Mr. Abirlal Chakraborti

...for the petitioner

Mr. Anjan Banerjee

...for the opposite parties

In Re : CAN 5 of 2025

1. Mr. Aniruddha Chatterjee, learned Senior Counsel for the petitioner, submits that certain clarification / modification is required in the order dated 28th August, 2025. Learned Senior Counsel submits that in the order dated 28th August, 2025, inadvertently the direction of stay of execution of the arbitral award is not being mentioned. Learned Senior Counsel further submits that since the matter has been relegated back to the learned Trial Court for deciding the matter afresh regarding the rights and liabilities of the parties, the execution as ordered by the learned Trial Court vide order dated 22nd November, 2023 in relation to arbitral award be stayed.

2. Learned counsel for the opposite parties submits that the petitioner has paid only Rs.4,00,000/-. Learned counsel submits that other 1,55,000/- which has been paid to the opposite party / respondent is being paid jointly by all the partners. Learned counsel further submits that remaining amount is to be paid out of Rs.14,00,000/- which is total liability.

3. Mr. Aniruddha Chatterjee, learned Senior counsel for the petitioner submits that the Coordinate Bench of this Court had passed a detailed order dated 7th December, 2023 which was reproduced in the order dated 28th August, 2025 and the Coordinate Bench stayed the execution subject to the deposit of Rs.7,00,000/- by the petitioner in the form of bank guarantee. Learned Senior Counsel further submits that without prejudice their rights the petitioner shall further transferred a sum of Rs.1,45,000/- in the account of the opposite party within ten days.

4. After considering the submission of both the parties, let the following clarification be issued in continuation of the order dated 28th August, 2025:-

The order no. 59 dated 22nd November, 2023 passed by the learned Additional District Judge, 3rd Court at Howrah in Money

Execution no. 26 of 2016 directing attachment of the property of the petitioner and all further proceedings shall remain stayed till the matter is decided afresh by the learned Trial Court.

5. Remaining contents of the order dated 28th August, 2025 shall remain unaltered.
6. CAN 5 of 2025 stands disposed of.
7. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)