

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
(Commercial Division)

APOT/16/2025
WITH
EC-COM/263/2024
IA NO: GA-COM/1/2025

TYRIST ENTERPRISES
VERSUS
CHAIRMAN RAILWAY BOARD AND ORS.

BEFORE:
The Hon'ble JUSTICE SOUMEN SEN
AND
The Hon'ble JUSTICE BISWAROOP CHOWDHURY
Date : 24th February, 2025.

Appearance:

Mr. Ratnanko Banerji, Sr. Adv.
Mr. Rishad Medora, Adv.
Mr. Meghajit Mukherjee, Adv.
Mr. Kanishk Kejriwal, Adv.
Ms. Srijeeta Gupta, Adv.
Ms. Sonia Das, Adv.
...for the appellant

Mr. Siddhartha Lahiri, Adv.
Ms. Anamika Pandey, Adv.
Mr. Ghanshyam Pandey, Adv.
...for the respondent

1. Having regard to the fact that the matter is returnable before the learned Single Judge on 7th March, 2025 and this order does not appear to be an appealable order as it merely directs the award-debtors to file affidavit disclosing details of their account maintained with the Reserve Bank of India which is a step in aid of

execution of the award, we do not find any reason to interfere with the order dated 16th January, 2025.

2. Mr. Ratnanko Banerji, learned senior counsel appearing on behalf of the decree-holder, submits that in terms of paragraph 42.12 of *Rahul S. Shah vs. Jinendra Kumar Gandhi And Others* reported in (2021) 6 SCC 418, the executing court is required to dispose of the execution proceedings within six months from the date of filing which may be extended only by recording reasons in writing for such delay and the said view has been reiterated in a later decision in *Bhoj Raj Garg vs. Goyal Education and Welfare Society* (Order dated 18.11.2022 in Special Leave to Appeal (C) No.(s) 19654/2022) and having regard to the fact that the said amount is not secured in the proceeding pending under Section 34 of the Arbitration and Conciliation Act, 1996, there may not have been any necessity for directing a formal attachment of the bank account and then formally to pass an order for realisation of the said amount from the designated bank account of the judgment-debtor.
3. We are of the view that since the matter is fixed on 7th March, 2025, it would be open for the appellant to pray for realisation of the awarded sum unless it is secured in the meantime.
4. It is needless to mention that in the event the entire awarded sum is secured by cash or bank guarantee, as the case may be, the

execution proceeding in that event shall remain stayed till the disposal of the setting aside application.

5. The appeal and the application are disposed of.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)