

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/532/2025

H. P. ISPAT PRIVATE LIMITED
VS
SUSANTA DEY AND ANR.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 5th August, 2025.

Appearance:
Mr. Debraj Sahoo, Adv.
Ms. Sucheta Mitra, Adv.
Mr. Tamaghno Saha, Adv.
.... for the petitioner

Mr. Kaushik Dey, Adv.
. for the respondents.

The Court: Mr. Dey strongly opposes the application on the ground that the time for challenging the award has not expired and as such, allowing this application or any of the prayers, will amount to the Court executing the award without due process of law.

Having considered the rival submissions of the parties, this Court finds that the conduct of the respondents is not above board. They were neither present during the hearing of the application for appointment of an Arbitrator nor were they present before the learned Arbitrator.

Thus, this Court is, prima facie, of the view that the respondents do not have any respect for the Court proceeding and as such, a protection is necessary, so that the award does not become a paper award. The law

permits the award holder to seek protection of the awarded sum, if the time for filing of the application for setting aside the award had not expired.

Under such circumstances, balancing the convenience and inconvenience of the parties, this Court deems it fit to direct that the respondents will not alienate their residential accommodation. Injunction on the bank account will cause irreparable injury.

This interim order will continue until November 10, 2025 or until further orders are passed on the enforceability of the award, whichever is earlier.

The application being AP-COM 532 of 2025 is disposed of.

(SHAMPA SARKAR, J.)