

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

AP-COM/598/2025

SWAL LIMITED
VS
ESL STEEL LIMITED

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 5th August, 2025

Appearance:

Mr. Debnath Ghosh, Sr. Adv.

Mr. Tanoy Chakraborty, Adv.

Mr. Farhan Ghaffar, Adv.

Mr. Kallol Saha, Adv.

Mr. Sourath Dutta, Adv.

...for the petitioner.

Mr. V. V. V. Sastry, Adv.

Mr. Anirudh Goyal, Adv.

... for respondent.

The Court: In view of the submissions made by Mr. Sastry, this Court does not find that this is case which call for a post award injunction, without giving an opportunity to the respondents to file their application for setting aside the award and pray for stay upon making usual deposit. It is the specific case of the respondents that the award was received on July 02, 2025 and steps have already been taken to file an application for setting aside the award. The law provides that the award debtor is required to secure the sum awarded. If such security is not deposited, the award holder can proceed with the execution after expiry of the period within which the application for setting aside the award is to be filed. No such urgency has been made out.

Prayers made in this application can well be made in the execution case. Post award injunctions are granted in exceptional situations, and if the award holder is able to demonstrate that the sum awarded must be secured, so that the award does not become a paper decree. There must be imminent danger of the assets being removed from the jurisdiction of this court, with an intention to deprive the award holder. The value of the assets would be dismissed if the protection is not granted

The documents relied upon by Mr. Ghosh, learned senior advocate are advertisements with regard to a sale arising from an attempt at corporate restructuring. Mr. Ghosh, relies on the newspaper article which is at page 173 to the application, to demonstrate that the award debtor was planning to sell its steel plant sometime in 2023. Now, the plant is operational. Mr. Sastry submits that the respondents are not likely to act in a manner that will be detrimental to the award holder, by selling its assets or alienating its plant and business.

Under such circumstances, this Court does not find any reason to pass any further order of injunction. The respondent shall take immediate steps as per law.

Let matter stand disposed of.

(SHAMPA SARKAR, J.)