

ORDER SHEET
APO/117/2020
WITH
AP/858/2012
IA NO: GA/2/2021
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

UNITED CONVEYOR CORPORATION (INDIA) PVT
LTD
VS
PRAVASH KUMAR MUKHERJEE

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 30TH SEPTEMBER, 2021.

Appearance :
Mr. Sakya Sen, Adv.
Mr. S. Mukherjee, Adv.
Mr. S. Chakraborty, Adv.
Mr. S. Bhattacharjee, Adv.
Ms. R. Manna, Adv.
...For the appellant

Mr. Malay Kr. Das, Adv.
Mr. S. Chatterjee, Adv.
...For the respondent

The Court : This is an appeal from a judgement and order made under Section 34 of the Arbitration & Conciliation Act, 1996, dismissing the application of the appellant to set aside an arbitral award.

The appeal under Section 37 of the said act was admitted by this Court on 24th September, 2021, after condoning the delay, in filing it.

Whilst the appeal along with the stay application was under consideration by the Court, the parties entered into negotiation with each other for the purpose of settling this long standing dispute.

On 28th September, 2021, at the intervention of this Court, the advocates-on-record for the parties were appointed as joint mediators to guide the parties to reach a settlement.

The report of the joint mediators filed in Court today be taken on record.

We are happy to note that they have been successful.

Mr. Malay Kr. Das, learned counsel appearing for the respondent submits, on instruction, that his client, is agreeable to accept Rs.80 lakhs in full and final settlement of the awarded amount together with interest accrued as on date.

Mr. Sakya Sen, learned counsel appearing for the appellant submits, on instruction, that if this amount is acceptable, his client would not pursue the appeal any further.

In those circumstances, we dispose of this appeal on the above terms by consent of the parties as communicated by learned counsel in Court by the following order :

- (a) The appellant will pay the respondent Rs.30 lakhs by bank draft or banker's cheque by 8th October, 2021.
- (b) The appellant will pay the balance sum of Rs.50 lakhs in a similar manner to the respondent by 30th November, 2021 in full satisfaction of the respondent's claim under the arbitral award dated 18th July, 2012.

The stay application (IA No. GA No:2 of 2021) is, also accordingly, disposed of.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)