

ODC-9

AP/73/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
[COMMERCIAL DIVISION]

ONYCON INFRASTRUCTURE
VS
SENBO ENGINEERING LTD

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 10th March, 2022.

Appearance:
Mr. Utpal Bose, Sr. Adv.
Mr. D.N. Sharma, Adv.
Mr. Chandan Kumar Lal, Adv.
...for petitioner.

Mr. Debnath Ghosh, Adv.
Mr. Arik Banerjee, Adv.
Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
...for respondent.

Mr. S. K. Ghosh, Adv.
Mr. Raja Ghosh, Adv.
...for North Frontier Railway.

The Court : This is an application under Section 9 of the Arbitration and Conciliation Act, 1996.

The disputes between the parties arise out of a sub-contract dated 11 April, 2017. Under the terms of the sub-contract the petitioner undertook to carry out and complete the balance work including, the permanent works in the construction of B.G. Railway Line Project from Jiribam Tupul (Imphal) of Northeast Frontier Railways.

The scope of this application pertains to certain payments which are to be made by the Northeast Frontier Railway under the principal contract dated 29 April, 2015.

The petitioner apprehends that if any payment is made directly by the Northeast Frontier Railway to the respondent, the same would be out of the hands of the petitioner and the petitioner shall have no scope for realizing the same.

It is further alleged on behalf of the petitioner that the respondent is in an impecunious condition and there are various proceedings pending before different fora. These submissions are disputed by the respondent.

In view of the aforesaid, I direct that the respective Advocates on Record of both parties namely Mr. Nilay Sengupta and Chandan Kumar Lal to jointly open a separate bank account and provide particulars thereof to the Northeast Frontier Railway Authority for making any future payment in terms of the contract.

It is made clear that any future payments made by the Northeast Frontier Railway would be paid directly to the joint account of the Advocates on Record. Any amount received would be put in short term interest bearing fixed deposit amount with a nationalized bank. The money would be kept lying to the credit of the award holder or until further orders of Court.

With the aforesaid directions, AP 73 of 2022 stands disposed of.

(RAVI KRISHAN KAPUR, J.)