

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/222/2022

UNION OF INDIA
VS
RAHEE ALLIED JV AND ORS

AND

IA NO. GA/2/2022
In
AP/107/2021

UNION OF INDIA
Vs
RAHEE ALLIED (Jv) AND ORS

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date : 26th April, 2022

Appearance:
Ms. Aparna Banerjee, Adv.

Mr. Samrat Sen, Sr. Adv.
Mr. Nirmalya Dasgupta, Adv.
Mr. R.L. Mitra, Adv.
Ms. Priyanka Dhar, Adv.

The Court: AP/222/2022 is the Section 36 application in relation to AP/107/2021. This Court is of the view that the Section 34 application should be heard out at the earliest.

Affidavit-in-opposition to be filed within three weeks from date; reply thereto, if any, within two weeks thereafter.

Matter is fixed on 14th June, 2022 at 2pm.

It is to be noted that a sum of Rs.3,80,00,000/- is deposited with the Registrar, Original Side. On the basis of the above sum that is deposited, the application bearing AP/222/2022 is allowed and disposed of.

IA No.GA/2/2022 is an application made by the award-holder in AP/107/2021. This is an application seeking withdrawal of the sum of money deposited by the award-debtor with the Registrar, Original Side.

Upon considering various judgments of the Supreme Court and the co-ordinate Bench judgment passed recently in **Damodar Valley Corporation -v- Reliance Infrastructure Ltd.** reported in **2022 SCC OnLine Cal 553**, I am of the view that prayer (a) made in the application can be allowed. Accordingly, Registrar, Original Side is directed to encash the fixed deposits prematurely and pay the entire sum along with interest to the award-holder upon furnishing a bank guarantee of an equal amount to the satisfaction of the Registrar, Original Side. The bank guarantee as directed above should be kept alive until further orders of Court. The bank guarantees shall also be renewed at least one month before the schedule date of expiry.

IA No.GA/2/2022 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)