IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBA No.2 Of 2022
(Through hybrid mode)

M/S. GSCO (Gurmeet Singh and Company) Infrastructure Pvt. Ltd.	....	***Appellant***
		Mr. A.Patnaik, Advocate

-versus-

Mahanadi Coalfields Ltd. and others	....	***Respondents***
		Mr. Rakesh Sharma, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
07.03.2022

Order No. 03.

1. Mr. Patnaik, learned advocate appears on behalf of appellant and submits, impugned order dated 9th December, 2021 made by the Court below in directing interim measure, post award, should be set aside in appeal. His client was successful in obtaining award for payment of money as well as return of bank guarantees. The award is dated 25th October, 2021. The bank guarantees were to expire on 10th and 12th December, 2021. His client is entitled to execution of the award. Instead there has been ex-parte direction of interim measure for renewal of the bank guarantees up to 9th December, 2022.

2. Mr. Sharma, learned advocate appearing on behalf of respondent (Mahanadi Coalfields Limited) appears and submits, his

client is aggrieved with the award. His client has already challenged the award by ARBA nos.5, 6 and 7 of 2021 against the common award. In the meantime, his client needs to continue to be secured under the bank guarantees. As such, the interim measure was in order and there should be no interference.

3. Respondent-MCL has suffered award. It has mounted three separate challenges against the award, being a common award. Appellant is entitled to execution on the award. For purpose of obtaining stay of execution, law is settled that respondent-MCL must put in security. Instead, it has gone and obtained interim measure of compelling appellant (award holder) to furnish security by extending the bank guarantees. The Court below clearly got the situation wrong.

4. Impugned order is set aside. The appeal is disposed of.

(Arindam Sinha)
Judge

Prasant