

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

AP/776/2023
PUBLIC HEALTH ENGINEERING DEPARTMENT, G.T.A. DARJEELING
Vs
M/S. MOHINDRA TUBES LIMITED

With

AP/763/2023
PUBLIC HEALTH ENGINEERING DEPARTMENT, G.T.A. DARJEELING
Vs
M/S. MOHINDRA TUBES LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 18th December, 2023.

Appearance:

Mr. B.P. Subba, Sr. Adv.

Ms. Uden Bomzon, Adv.

...for the applicant

Mr. Ajay Singhal, Adv.(V.C)

..for the respondent

The Court:- The petitioner has challenged an Award passed by the Facilitation Council on 13th June, 2023. The petitioner seeks stay of the impugned Award.

The petitioner, as the buyer, is hence under the obligation contained in Section 19 of the MSMED Act, 2006.

The awarded amount is Rs.42,36,863/-. The Award specifies that this amount consists of the principal as well as the interest.

The impugned Award makes it clear that the interest on this amount would be calculated on each pending bill and the mechanism has also been clearly specified in the said Award. The principal amount plus the accrued interest would hence come to Rs.17,74,89,090/-, 75% of which would be Rs.13,31,16,818/-.

The petitioner/ award-debtor will hence secure the amount of Rs.13,31,16,818/-, 75% by way of a bank guarantee and 25% by way of cash deposit within a period of five weeks from today.

The bank guarantee as well as the cash deposit will both be furnished to the Registrar, Original Side of this Court within the time directed.

The Registrar will invest the amount in an interest bearing account with a reputed Bank.

The Award will remain stayed from 16th January, 2024 on the petitioner complying with the directions. If the petitioner fails to do so, the award-holder will be free to enforce the Award on and from 16th January, 2024.

AP/776/2023 is disposed of in terms of the above.

List the Section 34 application on 22nd January, 2024.

(MOUSHUMI BHATTACHARYA, J.)