

20.02.2025
SI No.1
Court No.37
(gc)

**In the High Court at Calcutta
Civil Appellate Jurisdiction
(Commercial Division)**

**FMAT 127 of 2020
CAN 2 of 2025**

**South Eastern Railways
Vs.
Modi Construction Company**

Mrs. Sarda Sha
... For the Petitioner/Appellant.

Mr. R.N. Jhunhunwala,
Mr. Mohit Gupta
... For the Respondent.

Re: CAN 2 of 2025

1. The affidavit of compliance is taken on record.
2. However, to obviate future controversy we direct premature encashment of the fixed deposits and the proceeds thereof shall be deposited with the learned Registrar General within two weeks from date upon intimation to the learned advocate-on-record for the award holder.
3. The learned Registrar General shall keep the said amount invested in a fixed deposit account with any nationalized bank yielding highest return with auto renewal till the disposal of the appeal.
4. Accordingly, the application being CAN 2 of 2025 is disposed of.

Re: FMAT 127 of 2020

5. The appeal shall be listed fairly at the top on **22nd April, 2025.**
6. The learned Counsel for the parties are directed to file their written notes of argument in the meantime.
7. In view of the submission made by Mr. Mohit Gupta, learned Counsel appearing on behalf of the respondent that earlier they had applied for settlement of the disputes under Vivad Se Vishwass II (Contractual Disputes) Scheme, we feel that the parties must explore the possibility of settlement of the disputes in the mediation.
8. Accordingly, we appoint Hon'ble Justice Mr. Siddhartha Roy Chowdhury (Retired) as Mediator.
9. We would request the learned Mediator to conclude the proceeding before the adjourned date and file a report. If there is a positive response in the mediation proceeding, time may be extended suitably.
10. In the event the parties settled their disputes in the meantime, it would be open for the parties to mention the matter for disposal on

the basis of the settlement arrived at in course of mediation.

11. We expect both the parties to cooperate with the learned Mediator on resolving the disputes.
12. The Member Secretary, High Court Mediation Centre, is directed to communicate this order to the learned Mediator and make all necessary arrangement for holding the mediation proceeding.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)