

29.04.2025
Item No. 2.
Court No.37.
AB
(Bench ID 266301)

**F.M.A. 2795 of 2013
With
CAN 4 of 2025
CAN 5 of 2025**

**State of West Bengal & Anr.
Vs
C.A.B. Engineers Pvt. Ltd.**

Mr. Suman Sengupta,
Mr. Sambuddha Duttafor the Appellants.

Mr. Sakya Sen, Sr. Adv,
Mr. Sabyasachi Senfor the Respondent.

Dictated by Arijit Banerjee, J.

In re : CAN 5 of 2025

1. Affidavit of service filed in Court today, be kept with the records.
2. This is an application for condonation of delay of 81 days in presenting the restoration application. The appeal was dismissed for default on December 17, 2024.
3. Learned Senior Counsel appearing for the respondent, on instruction, prays for leave to file an affidavit in opposition to the application for condonation of delay. He says that normally he would not have opposed such application. However, the facts of this case would demonstrate the indolence on the part of the State.

4. Learned Senior Counsel says that the State's application under Section 34 of the Arbitration and Conciliation Act, 1996, for setting aside the arbitral award, was dismissed way back in 2009. In 2012, an appeal was preferred after the delay being condoned by this Court. From 2012, the State took no step for hearing of the appeal. Ultimately, in December, 2024, the appeal was dismissed for default.
5. Mr. Sengupta, learned Counsel representing the State, says that there was no laches on the part of the State. The respondent also took no step for hearing of the appeal. The State has secured the award amount of Rs.55,96,844.00 by depositing the same with the learned Registrar General of this Court.
6. Let affidavit in opposition be filed within a week from date. Reply thereto, if any, be filed within a week thereafter.
7. List the matter two weeks hence on 13.05.2025.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)

