

FMA 431 of 2023

**with
CAN 1 of 2022**

Jageswar De & Ors.

Vs.

The National Highway Authority of India & Anr.

Mr. Arindam Das
Ms. Ananya Chakraborty
Ms. Sudipa Mandi

... For the Appellants

Ms. Manika Roy
Ms. Ankita Choudhury

... For the NHAI

Mr. Nilotpal Chatterjee
Ms. Munmun Ganguly

... For the State

1. We have heard the learned counsel appearing for the parties.

2. In view of the report, in the form of an affidavit, filed on behalf of the respondent no. 3 is kept with the record. It appears from the said affidavit that the award was not served upon the present appellants/petitioners in terms of sub-section 5 of Section 31 of the Arbitration and Conciliation Act, 1996, we allow this appeal by setting aside the order passed by the learned District Judge, Nadia on 10th December, 2019.

3. In view of the fact that a photo copy of the award has now been served upon the learned advocate for the appellants/petitioners in Court today, the period of limitation shall Commence

from tomorrow i.e. 27.11.2024 for setting aside of the award.

4. In view of the above, the appeal succeeds and is accordingly disposed of.
5. It is made clear that we have not gone into the merits of the matter and in the event the award is challenged, the learned Court shall decide the matter in accordance with law.
6. In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2022 and the same is accordingly disposed of.
7. However, there shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)

