

10 26.11.2024

Ct-12

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**FMA 422 of 2023**  
with  
**CAN 1 of 2022**

**Dipankar Das & 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  
Mr. Saptak Sanyal  
... 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 10<sup>th</sup> 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.)**

