

02-05-2024
Item no.9 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

FAT No.43 of 2024
Hindustan Steelworks Construction Limited & Ors.
-vs-
Arcon Project Private Limited & Ors.
with
CAN No.1 of 2024
and
CAN No.2 of 2024

Mr. Uday Gupta
Mr. Jit Ray
Ms. Bishalaxmi Ghosh
Mr. Tathagata Deb ...for the appellants

Mr. Srijib Chakraborty
Mr. Satyaki Mukherjee
Mr. Aditya Mondal ...for the respondents

The respondents have filed their affidavit-in-opposition to the section 5 application (CAN No.1 of 2024).

Upon making due consideration, we find that sufficient cause is made out for not preferring the appeal within time.

We condone the delay and allow the application.

We direct the department to formally register the appeal.

We formally admit the appeal. We find that the impugned judgement and order was passed on 30th September 2023. The appeal was filed on 19th February 2024. It has been listed today for admission.

The interim application after exchange of affidavits is scheduled to appear before the learned court below on

15th May 2024.

This is an appeal from an ex parte interim order restraining the appellant from invoking a bank guarantee of about Rs.1,00,27,000/-.

At this point of time when the interim application is scheduled for hearing upon exchange of affidavits in the court learned court below, little purpose will be served by this court evaluating whether the ad interim order was passed correctly or not.

We direct that the interim application be disposed of by the learned court below as expeditiously as possible, upon hearing the parties and by a reasoned order, within ten weeks from 15th May 2024. The period covered by the summer vacation of this court be excluded from the calculation of ten weeks. This is so because learned counsel practising in this court would be appearing before the court below.

The existing interim order would continue till disposal of the interim application or until further order, whichever is earlier.

All points are kept open.

The appeal and the stay application – FAT No.43 of 2024 and CAN No.2 of 2024 – are disposed of accordingly, dispensing with all formalities.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]

