

08.02.2024
SSS (2)

**F.M.A.T (ARBAWARD) 23 of 2023
With
CAN 1 of 2023**

**Kolkata Municipal Corporation
Vs.
Industrial Plants & Waste Treatment Corporation**

Mr. Joydeep Kar, Sr. Adv.
Mr. Nilanjan Chatterjee,
Ms. Debangana Dey Nayak, Advs.

.....for the Appellant.

Mr. Soumyadeep Biswas, Adv.

.....for the Respondent.

This appeal from an order is made by the learned single judge dismissing the appellant's application under Section 34 of the Arbitration and Conciliation Act, 1996.

Admittedly, the said application had been made before the learned court below after expiry of 120 days from the date of service of the subject award. At the time of admission, execution proceedings were taken out by the respondent. In one of those proceedings, the court directed the appellant to set apart a sum of Rs.64,15,005.54/-.

Mr. Kar, learned Advocate appearing for the respondent Corporation submits that the said money has been duly set apart to the credit of the proceedings.

He says that since the award was published beyond 120 days, the court lost its power to condone the

delay, absolutely. His client does not want to proceed with the appeal. The said sum of Rs.64,15,005.54/- may be made over to the respondent in full and final satisfaction of their dues.

We order accordingly with a direction upon the respondent authority to hand over the sum along with any accrued interest to the respondent. Upon receipt of such consideration, the award in their favour would be deemed to have been satisfied to the above extent.

The appeal and the application (CAN 1 of 2023) are disposed of.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]