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IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

APO/356/2016
IA NO: GA/1/2016(Old No:GA/2465/2016)

STEEL AUTHORITY OF INDIA LIMITED
VS
HTC ENGINEERING (1958) PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 23rd September, 2024

Appearance:
Mr. Sarathi Dasgupta, Adv.
Ms. Supriya Dubey, Adv.
...for appellants.

Mr. Amitesh P. Ray, Adv.
...for respondent.

The Court:- Learned Counsel for the appellant SAIL (Steel Authority of India Limited) submits on instruction that the appellant does not want to proceed further with the appeal and wants to unconditionally withdraw the same.

At this juncture, Mr. Dilip Ghosh, learned advocate having instruction to appear on behalf of one Dipankar Banerjee, a shareholder in the respondent company HTC Engineering, contends that the present parties, that is the SAIL and HTC, have entered into a settlement between themselves. It is further apprehended by the said Dipankar Banerjee that one Shubhankar Banerjee might also have entered into a clandestine understanding with the respondent company surreptitiously, in order to deprive the said Dipankar Banerjee of his share.

It is submitted that the entitlement of Dipankar Banerjee and Shubhankar Banerjee in terms of money springs up from Clause 11 of a settlement arrived at in a proceeding between Dipankar Banerjee, Shubhankar Banerjee and others

on the one hand and the respondent company and others on the other. In the said proceeding alleging mismanagement/oppression etc., there was a settlement which was made a part of the award passed in the said oppression proceeding, whereby the first party therein, namely Shubhankar Banerjee, was entitled to receive 67% and the second party Dipankar Banerjee to receive 33% of money in the event the respondent company received any money from the Steel Authority of India Limited.

Learned Counsel appearing for the respondent company submits that the the said third party Dipankar Banerjee is merely a shareholder in the respondent company and has no connection with or locus standi in the present dispute. Moreover, learned Counsel for the parties in the present proceeding points out that the SAIL wants to unequivocally not press the present challenge and as such there cannot be any affectation of the right of the said Dipankar Banerjee in any manner.

I find upon hearing learned Counsel for the parties that the subject matter of the present dispute before the Court has nothing to do with the purported entitlement of the said Dipankar Banerjee arising out of a settlement arrived at in connection with an entirely different proceeding, where SAIL was not a party.

At best, the apprehension of the said Dipankar Banerjee could be that HTC, by compromising its stake in the present matter, was giving a go-by to the money to be received by it, which might have remotely affected the interests of the said Dipankar Banerjee.

However, the reality is not so. The respondent company HTC obtained an award in a regular arbitral proceeding. The same was challenged by SAIL in an

application under Section 34 of the Arbitration and Conciliation Act, 1996. Having lost the said proceeding, SAIL preferred the present appeal under Section 37 of the 1996 Act, which it is now seeking to withdraw. Thus, the effect of such unconditional withdrawal would be that the money award in favour of HCL would attain finality, which could only enure to the benefit, and not to the detriment, of both Dipankar Banerjee and Shubhankar Banerjee, since their rights to get their shares from the money obtained by HCL from the SAIL would only get facilitated and expedited.

Since the appellant does not crave any leave to sue afresh on the self-same cause of action, nor are any terms of settlement being arrived at by the parties, there cannot be any manner in which the interest of the said Dipankar Banerjee will be affected. Hence, the said proposed intervenor Dipankar Banerjee has no locus standi whatsoever to throw a spanner in the wheels of the present proceeding and his oral prayer for intervention is refused.

In view of the submission made by learned Counsel for the appellant SAIL, APOT 243 of 2016, now renumbered as APO 356 of 2016, along with all connected pending application(s), if any, stand dismissed as withdrawn without any orders to costs.

(SABYASACHI BHATTACHARYYA, J.)