

AP-COM/34/2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

TRILOK KUMAR JHA
VERSUS
HANUMANDAS RAJ KUMAR PVT. LTD.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 2nd February, 2024.

Appearance:

Mr. Swatarup Banerjee, Adv.

Mr. Sariful Haque, Adv.

Mr. Hareram Singh, Adv.

Ms. Shilpa Das, Adv.

Mr. Reetobrata Kumar Mitra, Adv.

Mr. Aditya Kanodia, Adv.

The Court :- The matter in view of the urgency on being mentioned has been placed in the supplementary list.

The petitioner in this application for setting aside of the award submits that by an order dated 9th January, 2024, the petitioner was directed to secure 50% of the award amount under the award dated 13th September, 2023 by way of a cash deposit and the remaining 50% by way of a bank guarantee within 29th January, 2024. The order further directed in failure on the part of the petitioner to comply with the directions, the award-holder shall be free to execute the award on and from 30th January, 2024. The petitioner had provided the cash deposit within time. However, in respect of the bank guarantee the signature of one of the signatories was in Hindi in the original bank guarantee which was furnished within time. The petitioner was asked by the defendant to issue a fresh document with the signature of the authorized

signatories in English language. The bank guarantee was issued from Delhi and as such two days delay occurred in having the same replaced. The bank guarantee so corrected has been placed before the Court.

Considering the fact that the petitioner has shown its bonafide and the delay in furnishing the bank guarantee was on a ground it was not fully within the control of the petitioner the time to file the bank guarantee is extended till date through the application on which the order dated 9th January, 2024 has been disposed of without directing the petitioner to make an application for the same. The bank guarantee as directed by the order dated 9th January, 2024 is permitted to be furnished with the Registrar, Original Side in course of this day (2nd February, 2024). The defendant shall accept the bank guarantee if the same is in proper form and order.

(ARINDAM MUKHERJEE, J.)