

OCD-16 & OC 198

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

EC/49/2024
STERLING AND WILSON PRIVATE LIMITED
VS
M/S. BRIDGE AND ROOF CO. INDIA LIMITED

AND

IA NO. GA-COM/1/2025
IN AP-COM/14/2025
M/S. BRIDGE AND ROOF CO. INDIA LIMITED
VS
STERLING AND WILSON PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 11th April, 2025.

Appearance:

Mr. Priyankar Saha, Adv.

Ms. Srijani Mukherjee, Adv.

. . .for the award-holder.

Mr. Rabindra Kumar Mitra, Adv.

Mr. Sobhon Kumar Pathak, Adv.

. . .for the respondent in GA 1 of 2025

And AP-COM 14 of 2025

. . . for the petitioner in EC 49 of 2024

The Court:

RE: EC 49 of 2024

GA COM 1 of 2025 filed in AP COM 14 of 2025, is running in the monthly list as item no.198. Both the learned advocates for the parties consent that the

said (GA COM 1 of 2025) must be disposed of first, before EC 49 of 2025 is taken up.

Thus, GA COM 1 of 2025 filed in connection with AP COM 14 of 2025, is taken up along with EC 49 of 2024.

RE: GA COM 1 of 2025 in AP COM 14 of 2025

This is an application for extension of the time to file the bank guarantee before the learned Registrar, Original Side, High Court, Calcutta. By an order dated January 30, 2025 this Court had disposed of the application under Section 36(2) of the Arbitration and Conciliation Act, 1996 directing that in the event a sum of Rs.1,94,00,000/- was secured by way of bank guarantee to the satisfaction of the Registrar, Original Side, High Court Calcutta, the execution shall remain stayed till the disposal of the application under Section 34 of the Arbitration and Conciliation Act, 1996. The petitioner submits that, an extension may be given as the bank guarantee could not be prepared within the time prescribed by the Court. Further prayer is that the unconditional stay be extended by a further period of two weeks and be continued till the disposal of the application under Section 34 of the said Act.

Under such circumstances, this Court is of the view that the prayer is innocuous and should be granted. GA COM 1 of 2025 is disposed by extending the time to furnish the bank guarantee as directed in the order dated January 30, 2025, till May 1, 2025.

The unconditional stay of the execution case will continue up to May 1, 2025. The order dated January 30, 2025 is accordingly modified. If the bank guarantee is deposited within the extended time, the stay of execution will

continue till disposal of the application under Section 34 of the Arbitration and Conciliation Act, 1996.

For non-compliance of this order, EC/49/2024 will continue. Liberty to mention.

(SHAMPA SARKAR, J.)

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