

OCD 10

ORDER SHEET
AP-COM/26/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

M/S IRCON INTERNATIONAL LIMITED
VS
M/S CIVCON CONSTRUCTION PRIVATE LIMITED

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 30th January, 2025.

Appearance:
Mr. Arnab Chakraborty, Adv.
Ms. Pragya Bhowmick, Adv.
...for the petitioner

Mr. Priyankar Saha, Adv.
...for the respondent

The Court: This is an application under Section 36(2) read with Section 36(3) of the Arbitration and Conciliation Act, 1996 for stay of the operation of the award dated September 30, 2024, passed by the learned Arbitrator. Although the petitioner contends that the contract prohibited pre-award interest as also interest during the continuation of the proceedings, this Court finds that the learned Arbitrator had granted post award interest till the date of realization of the amount.

Under such circumstances, the 'sum' to be secured by the petitioner would include the awarded amount along with post award interest. Mr. Saha submits that roughly the calculation would come to around Rs.2 crores.

Under such circumstances, the petitioner must secure the amount of Rs.2 crores by way of a bank guarantee, to the satisfaction of the learned Registrar, Original Side, High Court, Calcutta. There shall be an unconditional stay of the award for a period of four weeks from date. The bank guarantee shall be furnished within the afore-mentioned period of four weeks. The bank guarantee shall be kept renewed from time to time. Stay of operation of the award shall continue till disposal of the application under Section 34 of the said Act, provided the order of this Court is complied with. In default, the stay shall automatically stand vacated without further reference to the Court and the award-holder may enforce the award.

The application is, accordingly, disposed of.

(SHAMPA SARKAR, J.)