

OCD -43

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/1/2025

In AP-COM/429/2024

PROJECT DIRECTOR 1, PROJECT MANAGEMENT UNIT, SUNDERBAN EMBANKMENT
RECONSTRUCTION PROJECT (SERP) IRRIGATION AND WATERWAYS DEPARTMENT AND
ANR.

Vs

BRAHMAPUTRA INFRASTRUCTURE LTD.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 26th March, 2025.

Appearance:

Mr. Paritosh Sinha, AOR.

Mr. Arindam Mandal, Adv.

Ms. Swagata Ghosh, Adv.

.... for the applicants

Mr. Sarbajit Mukherjee, Adv.

...for the respondent

The Court: **1.**IA GA-COM 1 of 2025 is an application for extension of time for depositing a sum of Rs. 11 crores as directed by order dated January 29, 2025. The award-debtor was directed to deposit the said amount in cash before the learned Registrar, Original Side, High Court, Calcutta within six weeks from the date of the order, that is, January 29, 2025. The learned Registrar, Original Side was directed to invest the same in a short-term auto renewal fixed deposit with any nationalized bank. The Court had directed

unconditional stay of the award for a period of six weeks and that the stay would stand vacated in case of default. The Court had also directed that the stay shall continue till disposal of the application under Section 34 of the Arbitration and Conciliation Act, 1996, if the cash deposit was made.

2.Mr. Sinha, learned advocate submits that this order be modified to the extent that some more time be given to the award-debtor to comply with the direction in the order dated January 29, 2025.

3.Mr. Mukherjee objects to such prayer and submits that the award-holder should be allowed to proceed with the enforcement of the award, in view of the default committed.

4.Having heard the rival contentions of the parties, this Court is of the view that sufficient time had been granted to the award-debtor to deposit the awarded amount. The stay of the award had been granted unconditionally for six weeks. Such period expired on March 12, 2025. Till date, such deposit has not been made.

5.However, considering the pleadings, this Court grants one last opportunity to the award-debtor to comply with the order dated January 29, 2025. The amount of Rs. 11 crores, as directed, shall be deposited in the office of the learned Registrar, Original Side, High Court, Calcutta within April 30, 2025. The unconditional stay shall continue upto April 30, 2025. The stay will continue if the deposit is made, as directed.

6.In case of default, the stay shall stand vacated and the petitioner/award-holder can proceed with the enforcement of the award.

7.The other directions upon the learned Registrar, Original Side to deposit the amount in the fixed deposit etc. shall be applicable in terms of the order dated January 29, 2025, in respect of the present deposit.

8. IA GA-COM 1 of 2025 is disposed of accordingly.

(SHAMPA SARKAR, J.)

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