

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/2/2026
[OLD NO. AP/179/2023]
In
AP-COM/296/2024

BOARD OF MAJOR PORT AUTHORITY FOR THE
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
Vs
MARINECRAFT ENGINEERS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH
Date : 27th April, 2026.

Appearance:

Mr. Krishnaraj Thaker, Sr. Adv.
Mr. Ashok Kumar Jena, Adv.
...for the petitioner

Mr. Shreyaan Bhattacharyya, Adv.
Ms. Anusha Guha Ray, Adv.
Mr. Abhijit Guha Ray, Adv.
...for the respondent

The Court: The petitioner has moved the present petition seeking refund and/or release of the pre-deposit amount of Rs.1,02,33,606/- along with interest which was deposited in terms of the order dated 05.09.2023 passed in AP/179/2023 which was subsequently re-numbered as AP-COM/296/2024.

Learned Counsel for the petitioner states that an award dated 28.04.2022 was passed by the MSME Council. The petitioner had unsuccessfully challenged the said award in AP-COM/179/2023 which was re-numbered as AP-COM/296/2024. The same was further challenged

before the Hon'ble Division Bench in APOT/195/2025 wherein the order of the learned Single Judge was set aside. The same was thereafter carried in appeal before the Hon'ble Supreme Court in a Petition for Special Leave to Appeal (C) No. 12542/2026 which was decided by the Hon'ble Supreme Court on 20.04.2026 upholding the order of the Hon'ble Division Bench in APOT/195/2025.

Learned Counsel for the petitioner states that the matter has already been decided by the Hon'ble Supreme Court and the award has been set aside. In view of the said development, the petitioner has preferred the present petition for refund of the amount deposited in terms of the order dated 05.09.2023.

Learned Counsel for the respondent does not oppose the present application.

Since the matter has already been decided, the Registrar, Original Side is directed to refund the said deposit along with interest in the name of Syama Prasad Mookerjee Port, Kolkata, Haldia Dock Complex within a period of two weeks.

With the aforesaid direction, the present petition stands disposed of.

(GAURANG KANTH, J.)