

OCD-1 & 2

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

AP-COM/835/2024
ADVANCED WEAPONS AND EQUIPMENT INDIA LIMITED
VS
CNC COMPONENTS PRIVATE LIMITED

WITH

AP-COM/877/2024
ADVANCED WEAPONS AND EQUIPMENT INDIA LIMITED
VS
CNC COMPONENTS PRIVATE LIMITED

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 19th March, 2025.

Appearance:
Ms. Aparna Banerjee, Adv.
. . .for the petitioner.

Mr. Ishan Saha, Adv.
Mr. Karanjeet Sharma, Adv.
Ms. Shreya Goenma, Adv.
. . .for the respondent/award-holder.

The Court:

RE AP-COM 877 of 2024

This is an application under Section 36(2) of the Arbitration and Conciliation Act, 1996.

The petitioner prays for stay of the award dated May 15, 2024. According to the petitioner, there is a fair chance of success in the application for setting

aside of the award, which has been filed before this Court. Thus, the petitioner prays that the enforcement of the award should be stayed.

Mr. Saha, learned advocate for the award-holder, submits that the stay of the award shall be subject to deposit of the sum due under the award. The award-holder had already supplied a calculation. The calculation was also handed over to the learned advocate on record for the award debtor.

The award-debtor prays that stay of the award can be passed by the court, with conditions.

Having considered the rival contentions of the parties this court holds that merits of the award cannot be looked into at the time of granting stay. This Court directs the award debtor to deposit a sum of Rs.1,80,97,000/- by cash, before the learned Registrar, Original Side, High Court at Calcutta. The said deposit shall be made within a period of six weeks from date. There will be an unconditional stay of the award for a period of six weeks. The said stay shall continue upon the petitioner/award-debtor complying with the direction passed by this Court by depositing the amount within six weeks from date, till the disposal of the application under Section 34 of the Arbitration and Conciliation Act, 1996. In case of default, the stay shall stand automatically vacated, without any reference to this Court and the award-holder may proceed with the enforcement of the award.

The cash deposit to be made by the award-holder shall be invested in an auto renewable interest bearing fixed deposit, with any Nationalized Bank.

AP-COM/877/2024 is accordingly disposed of.

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Supplementary affidavit is taken on record. The award-holder is at liberty to file a compilation, comprising of all the documents and evidences which were before the learned Arbitrator, but have not been brought before the court.

Let the matter be added in the Monthly list of May, 2025.

(SHAMPA SARKAR, J.)

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