ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/359/2023
WITH EC/611/2018
IA NO:GA/1/2024
EIC HOLDINGS PRIVATE LIMITED
-VS-
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT KOLKATA AND ANR

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
And
The Hon'ble JUSTICE AJAY KUMAR GUPTA
Date: February 11, 2025.

Mr. A.K. Nag, Adv., appears.
Mr. N. Singhania, Adv., appears.

1. The Court: The instant appeal is directed against the order dated August 24, 2023, passed by a learned Single Bench of this Court in EC/611/2018.
2. By an award dated September 16, 2018, an Arbitrator has allowed the claim for eviction of the judgment debtor from the premises owned by the appellant.
3. The judgment debtor has since surrendered the possession.
4. In addition thereto, an unquantified amount towards electricity charges and property taxes appears to have been awarded in favour of the appellant. The award only records that it is upon production of valid documents towards electricity dues and property taxes that the appellant may be entitled to collect sums from the respondents.
5. In course of execution proceedings, the judgment debtor appears to have admitted a sum of Rs.2,36,319/- towards electricity dues which have been paid.

6. In so far as property tax is concerned, the judgment debtor has indicated that a sum of Rs.10,27,509/- may be payable towards property tax. The appellant has disputed the said amount and has claimed a higher amount.

7. It is now well settled that in terms of Section 31(7) of the Arbitration and Conciliation Act, 1996 unquantified amount cannot be awarded. It was the responsibility of the Arbitrator and the appellant herein to have ensured appropriate quantification of the property tax dues. Reference in this regard is also made to Para 15 and 21 of the decision of the Supreme Court in the case of M/s. D. Khosla and Company Vs Union of India & Ors. dated 7th August, 2024 being SLP (Civil) No. 812 of 2014. Reference is also made to Para 41 of the decision of the Supreme Court in the case of Hyder Consulting (UK) Limited Vs Governor, State of Orissa reported in (2013) 2 SCC 189.

8. In view of the above, the claim of the appellant towards property tax cannot be enforced in execution proceedings of the subject award.

9. In those circumstances, this Court cannot find fault with the impugned order.

10. This Court is not inclined to interfere with the impugned order dated August 24, 2023.

11. APOT/359/2023 accordingly stands dismissed along with the connected application.

(RAJASEKHAR MANTHA, J.)

(AJAY KUMAR GUPTA, J.)

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