

02.02.2026
Court No. 06
ML 03
February 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 3145 of 2025

**Union of India, represented by the
Executive Engineer, IIT Kalyani Project
Division-I, Central PWD, Kalyani
-Versus-**

M/s. NCC Limited

Mr. Dhiraj Trivedi, Sr. Adv. & DSGI,
Mr. Shaunak Ghosh
.....for the petitioner

Mr. Tanmoy Sett,
Mr. Pran Gopal Das
....for the opposite party

1) The revisional application arises out of orders dated July 24, 2025 and November 11, 2024, passed by the learned Judge, Commercial Court at Alipore in Misc. Case (Arbitration) 25 of 2023, which was renumbered as Misc. Arbitration (Com) 75 of 2023.

2) By the order dated November 11, 2024, the learned Court directed the award debtor to secure a sum of Rs. 4,93,86,530/- as a condition for stay of the award dated 18th March, 2023. The direction was to deposit the amount by way of renewable bank guarantee in favour of the opposite party within three weeks from passing of the order. Accordingly, by the order the learned Court disposed of the application under Sections 36(2) and 36(3) of the Arbitration and Conciliation Act, 1996,

which had been registered as I.A. No. 01 of 2023.

3) It was directed that the bank guarantee shall be deposited before the learned Registrar, District Judge's Court at Alipore, District – 24 Parganas (South).

4) The petitioner filed an application for modification of the order dated November 11, 2024, seeking permission to transfer the said amount through online mode to the account of the learned Registrar, District Judge's Court at Alipore. The petitioner further prayed for extension of time to make such online transfer by modification of the order dated November 11, 2024 upon modification.

5) The learned Court rejected the said application by an order dated July 24, 2025 on the ground that the petitioner failed to provide any explanation with regard to delay in filing of the application. The Court was of the view that, as the application was filed after expiry of the period within which the bank guarantee was directed to be deposited, the application should not be entertained. Under such circumstances, this application has been filed for extension of time to deposit the awarded sum as directed by the learned Court, by any other method other than bank guarantee.

6) In my view, the learned Court erred in dismissing the application only on the ground that the application had been filed after the expiry of the period within which the bank guarantee ought to have been deposited. However, I find that, the award debtor wants to deposit the money directly by bank transfer or

any other method that is acceptable to the Court. Thus, one last opportunity must be given to the award debtor to deposit the amount as directed by the learned Court.

7) Under such circumstances, this revisional application is allowed with a direction upon the award debtor to deposit a sum of Rs. 4,93,86,530/- by way of Demand Draft drawn in favour of the learned Registrar, District Judge's Court at Alipore, District – 24 Parganas (South). The said Demand Draft shall be furnished by the award debtor within a period of 15 days from date.

8) The learned Registrar will encash the Demand Draft and invest the said amount in an auto renewable short-term interest bearing fixed deposit with any nationalized bank.

9) This is the last opportunity given to the award debtor to secure the awarded sum, failing which the award holder may proceed with the execution, irrespective of pendency of the application challenging the award.

10) The learned Registrar, District Judge's Court at Alipore shall assist the award debtor towards compliance of this order.

11) Accordingly, C.O. 3145 of 2025 is disposed of.

12) All parties shall act on the server copy of this order, duly downloaded from the official website of this Court.

13) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)