

Present: Smt Suparna Ray (JO Code:WB00711)
Judge, Commercial Court at Alipore
Misc. Arb (Com) 31/2022
CNR No. WBSP18-000069-2022

Order No.37

Date: 06.09.2025

In the matter of:

An application under Section 34 of the Arbitration and Conciliation Act, 1996.

AND

In the matter of:

Damodar Valley Corporation.

Vs.

Mackintosh Burn Ltd.

Order

Today is fixed for hearing of the application under Section 34 of the Arbitration and Conciliation Act, 1996.

Both sides file their respective haziras.

Before starting of hearing, petitioner files an application praying for condonation of delay of filing the renewed bank guarantee dated 03.06.2025 and also for acceptance the same.

Let the application be registered as I.A. no. 05 of 2025.

Now, the I.A. no. 05 of 2025 is taken up for hearing.

It appears from the said application that the petitioner in compliance with the Orders dated 18.03.2024 and 23.04.2024 had deposited the original demand draft for a sum of Rs. 61,20,81,566/- dated 16.05.2024 being numbered as 423207 issued by the State Bank of India as cash security and also the original Bank Guarantee dated 17.05.2024 being numbered as 4044IPEBG240051 for a sum of Rs. 40,80,54,377.36/- issued by the Bank of India, Kolkata, LCB branch in favour of the Ld. Registrar, District Judge's Court, Alipore, South 24 Parganas.

However, the aforesaid bank guarantee was valid for a period of one year and in required to be kept alive till disposal of the Section 34 application or until further order in relation to the same, whichever is earlier.

The aforesaid Bank Guarantee had expired on 16.05.2025. But, till such time the petitioner failed to submit the renewed Bank Guarantee before the Ld. Registrar. However, the petitioner thereafter, tried to submit the said Bank Guarantee before the Ld. Registrar after the due expiry date, but the Ld. Registrar rightly refused to accept the same.

As such, the petitioner has filed the instant case before this Court for condonation of delay of filing the said renewed Bank Guarantee and also for acceptance of the same by the Ld. Registrar.

It is stated by the petitioner that due to some inter departmental shuffling going on amongst the employees of the petitioner and due to inadvertence, there was delay in instructing the Bank of India for renewal of the Bank Guarantee. As per the petitioner, the delay in submitting the renewed Bank Guarantee is unintentional and there are no latches on the part of the petitioner.

Therefore, the petitioner prays for acceptance of the said renewed Bank Guarantee dated 03.06.2025, copy whereof is annexed with the instant application, condoning the delay of submitting the same.

Respondent herein does not file any written objection. More so, Ld. Advocate appearing for the respondent submits that the respondent has no objection if the prayers as enumerated in the instant application be allowed by this Court.

Heard and also perused the materials on record.

In view of above scenario, the delay for submitting the renewed Bank Guarantee dated 03.06.2025 is condoned.

Further, this Court is hereby directed the petitioner to take necessary steps so as to submit the renewed Bank Guarantee dated

03.06.2025 within one (01) week to the satisfaction of the Ld. Registrar, Civil Courts, District Judge's Court at Alipore upon satisfaction of the Ld. Registrar.

However, during such time the award impugned should be stayed.

Accordingly, the I.A. No. 05 of 2025 is hereby **disposed off**.

Let a copy of this order be communicated to Ld. Registrar, Civil Courts, District Judge's Court at Alipore at once.

Now, the instant misc case is taken up for hearing.

Heard the petitioner in part.

Accordingly, fix the matter on **22.12.2025 from 12:00 noon to 1:00 p.m.** for hearing of the instant misc case by the petitioner.

Parties to act on the basis of downloaded copy of this Order from the Website/E-courts App.

Dictated and corrected by me

Sd/-
Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram.

Sd/-
Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram.