

GAHC010089222026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Arb.A./7/2026

THE NATIONAL HIGHWAYS AUTHORITY OF INDIA
REPRESENTED BY THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION
UNIT (PIU)- GUWAHATI, NHAI, HOUSE NO. 1, 1ST FLOOR, DILIP HUZURI
PATH, NEAR BAGHESWARI MANDIR, GUWAHATI, ASSAM, PIN-781006.

VERSUS

RAJIB BORUAH
SON OF LATE JURAN BORUAH, R/O BASISHTHA CHARIALI, P.S.-
BASISHTHA, GUWAHATI-781029, DISTRICT- KAMRUP (METRO), ASSAM.

Advocate for the Petitioner : MR. C BORUAH,

Advocate for the Respondent : MR. P K ROYCHOUDHURY (FOR CAVEATOR), S AHMED (FOR
CAVEATOR),MR. N G KUNDU (FOR CAVEATOR)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25.05.2026

Heard Mr. C. Boruah, learned counsel for the appellant. Also heard Mr. P.K. Roychoudhury, learned Senior Counsel assisted by Mr. S. Ahmed, learned counsel for the respondent.

This appeal, under Section 37 of the Arbitration and Conciliation Act, 1996, is directed against the order dated 12.03.2026, passed by the learned Civil Judge (Senior Division), Kamrup, Amingaon, in Misc. Arbitration Execution Case No. 1/2025.

It is to be noted here that vide impugned order dated 12.03.2026, the learned Civil Judge (Senior Division), Kamrup, Amingaon has granted interim order during the pendency of the Misc. Arbitration Execution Case No. 1/2025, to release an amount of Rs. 73,27,009/- to the respondent.

Mr. Boruah, learned counsel for the appellant has contended to admit the appeal and also to stay operation of the impugned order and to call for the relevant record from the learned Court below.

However, Mr. Roychoudhury, learned Senior Counsel for the respondent, by referring to Section 37 of the Arbitration and Conciliation Act, 1996 and a decision of a Constitutional Bench of Hon'ble Supreme Court in the case of **Gayatri Balasamy vs. M/s ISG Novasoft Technologies Limited, in Civil Appeal Nos. ... of 2025 [arising out of SLP(C) Nos. 15336-15337 of 2021]**, submits that this appeal is not at all maintainable.

Mr. Boruah, however, submits that he may be granted some time to satisfy this Court about maintainability of the appeal.

Accordingly, taking note of the submissions of learned counsel for both the parties, list the matter on 01.06.2026, for hearing on the point of maintainability.

JUDGE

Comparing Assistant