

16.05.2024
SL No.26
Court No.25
Ali

**IN THE HIGH COURT AT CALUTTA
Civil Appellate Jurisdiction**

**F.M.A. 570 of 2024
With
IA No.: CAN/2/2017 (Old No.:CAN/10631/2017)
Union of India
Versus
Phoenix Overseas Ltd.**

Mr. Promod Kumar Drolia
....for the appellant/Union of India.

In Re.: **IA No.: CAN/2/2017
(Old No.:CAN/10631/2017)**

This is an application for stay of operation of the impugned award dated 12th day of July, 2016 it appears that the instant appeal is pending since long.

The appellant was directed to serve notices of appeal upon the respondent by putting up Talabana cost with the filled up notices form to the concerned department within a fortnight. The direction of this Court regarding the service of notices of appeal was not complied with.

Learned advocate appearing on behalf of the appellant prayed for leave for extension of time to file the requisites for service of notices of appeal upon the respondent.

Considering the submission, the leave is granted to the appellant to serve notices of appeal upon the respondent within one week after Vacation positively.

The instant appeal is preferred against the order dated 12.07.2016.

It is submitted on behalf of the appellant that no execution case is filed on behalf of the respondent to execute the award. As the appeal is pending since long so, at this juncture, it not appears to me prudent to hear of the said application for stay without hearing of the respondent.

Accordingly, the appellant is directed to serve the notice upon the respondent regarding the CAN 2 of 2017 (Old No.:CAN/10631/2017) and file an affidavit of service on the returnable date.

Let the matter appear in the list for hearing of the CAN under the same heading on 25th June, 2024.

(Subhendu Samanta, J.)