

Dd **3 02.01.2026**

In the High Court At Calcutta
CIVIL APPELLATE JURISDICTION
COMMERCIAL APPELLATE DIVISION

AO-COM/62/2025
THE STATE OF WEST BENGAL AND
ANR
VS
M/S SAHA CONSTRUCTION & COMPANY
IA NO: CAN/1/2025, CAN/2/2025

Mr. Arindam Mondal, Advocate
... .. For the Appellant

Mr. Rabindra Kumar Jaiswal,
Ms. Debolina Bhar, Advocates
... .. For the Respondent

1. Perused the report as called for by the order dated December 11, 2025.
2. Report states that, adequate personnel are not available for the purpose of issuance of certified copy. Appellant claims that delay is of 39 days. In view of the certified copy issued as it stands today, it is difficult to calculate the actual delay involved in the present appeal.
3. Act of Court should not prejudice any of the parties. On such principle, since the Court could not issue certified copy which facilitates calculation of the quantum of delay, if any, in filing the appeal, we deem it appropriate to condone the delay.
4. CAN 1 of 2025 is accordingly **allowed**.
5. Appellant will prepare informal paper book incorporating all papers used before the learned trial Judge.

6. Appeal is directed against an order dismissing an application under Section 34 of the Arbitration and Conciliation Act, 1996. Amount of the award calculated with interest is apparently Rs.1 crore 65 lakhs.
7. Court is informed that there is an execution petition pending.
8. Appellant seeks stay of the execution of the award.
9. In our view, interest of justice would be subserved by granting an unconditional stay for a period of fortnight. Appellant will deposit a sum of Rs.1 crore 65 lakhs with the Registrar General of this Court within a period of fortnight from date. In the event, such amount is deposited with the Registrar General of this Court, the same be kept with any nationalised Bank in an interest bearing fixed deposit account and such fixed deposit account be renewed from time to time. In default of compliance of deposit, as directed herein, the stay granted shall stand vacated. In the event of deposit as directed, stay granted will continue till June 30, 2026 or until further orders whichever is earlier.
10. CAN/2/2025 is disposed of.
11. List the appeal in the **monthly list of February, 2026**. Appellant will serve a copy of the informal paper books upon the respondents.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J)