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gc 22.7.19
Ct. No. 1

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**CAN 1 of 2019
In
FA 5 of 2019**

**Terai Tea Company Ltd.
-Versus-
Union of India.**

**Mr. Surajit Nath Mitra, Sr. Adv.,
Mr. Sagar Bandyopadhyay,
Mr. Sitesh Gupta**

....for the Appellant.

Mr. Rajdeep Biswas

...for the Union of India.

The appeal is admitted.

On the last occasion, we proceeded on the basis that the award passed in the proceeding is amenable to the provisions of the Arbitration and Conciliation Act, 1996, which impression appears to be erroneous. We feel that the appellant should be heard on all points.

The appeal has been filed within the period of limitation.

The appellant has also filed an application for interim relief.

It is an admitted position that the Union of India has not preferred an appeal against the award dated 3rd April, 2019.

Mr. Rajdeep Biswas, learned Counsel appearing on behalf of the Union of India has submitted



that the statutory period to prefer an appeal against the award has not expired and in this regard he has produced few communications between the Arbitrator and the concerned Department of the Government.

We do not, however, wish to make any comment on the said communications as it, prima facie, appears that the copy of the award dated 3rd April, 2019 was received by the Government Advocate representing the Union of India before the Arbitrator and more than 30 days have expired from the date of the receipt of the said award.

The matter as to whether the appeal likely to be preferred by the Union of India would be within the period of limitation or not is a matter to be decided before the appropriate Bench as and when the said appeal is preferred. However, as on date, there is no appeal preferred by the Union of India. The prayer for interim relief proceeds on the basis that the said award is binding on the Union of India and an interim protection is required to be extended to the appellant in view of the fact that the Union of India had neither preferred an appeal nor had tendered the said amount to the appellant.

The learned Counsel for the Union of India has prayed for direction of affidavit-in-opposition in CAN



1 of 2019 shall be filed within 10 days from the date of this order, reply thereto, if any, shall be filed within a period 7 days thereafter.

Let this matter appear before the next available Circuit Bench.

(Soumen Sen, J.)

(Ravi Krishan Kapur, J.)