



07-11-2019  
Court No.1  
Sh/52.

**CIRCUIT BENCH OF  
CALCUTTA HIGH COURT  
AT JALPAIGURI  
WRIT APPELLATE JURISDICTION  
APPELLATE SIDE**

**C.A.N. 01 of 2019  
In  
F.A. 5 OF 2019**

**Teria Tea Company Limited . . . . Appellant.  
Vs.  
Union of India & Ors . . . . .Respondent.**

Mr. Jagriti Mishra.  
. . .For the Appellant.  
Mr. Rajdeep Biswas.  
. . .For the Union of India.

Mr. Mishra, learned counsel, appears in support of the appeal and also in support of the application.

The attention of this Court is drawn by Mr. Mishra, to the order of the Hon'ble Circuit Bench dated 22<sup>nd</sup> July, 2019.

The Hon'ble Circuit Bench, *inter alia*, was pleased to record that against the Arbitral Award the respondent/Union of India (UOI), has not preferred any appeal nor, has tendered the amount to the appellant.

However, the Hon'ble Circuit Bench was pleased to grant liberty to the parties to exchange affidavits to CAN No.1 of 2019 within a specified period, which was respectively limited to 10 and 7 days for the Affidavit-in-opposition and Affidavit-in-reply.

The order dated 22<sup>nd</sup> July, 2019, was followed by the order dated 21<sup>st</sup> August, 2019 of the Hon'ble



Circuit Bench extending the time to file Affidavit-in-opposition

to four weeks from the date of the order and Affidavit-in-reply within two weeks thereafter.

Before the present Circuit Bench, the cumulative period of six weeks from 21<sup>st</sup> August, 2019 has long expired. No Affidavit-in-opposition is in sight. The amount under the Arbitral Award has also not been tendered.

Mr. Biswas, learned advocate appearing for the UOI, seeks a final opportunity to use the Affidavit-in-opposition citing the ground, which this Court does not find convincing at this stage, that the department is still vetting the Affidavit-in-opposition.

However, time to file Affidavit-in-opposition is extended as a last chance. Respondent/UOI is directed to prepare and serve the Affidavit-in-opposition within a period two weeks from date.

Affidavit-in-reply be filed within one week thereafter.

Before parting with this discussion it is observed that in the event the Affidavit-in-opposition is not filed within the period as directed above, it will be open to the appellant to pray for disbursement of the amount granted by the Arbitral Award before the appropriate Bench.

Let the matter appear before the next Circuit Bench, subject to its convenience, under the same heading.

**(JAY SENGUPTA,J.)**

**( SUBRATA TALUKDAR, J)**

