

OD-54

ORDER SHEET

EC/66/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

M/S. BASAB DUTTA ENGINEER AND CONTRACTOR
VS
GENERAL MANAGER, EASTERN RAILWAY AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 18th January, 2024.

Appearance:

Mr. Arindam Samanta, Adv.

Mr. Madan Mohan Roy, Adv.

Ms. Aparna Banerjee, Adv.

The Court: There appears to be a confusion with regard to Item 7 of the Award which relates to demand for residual escalation up to final bill - Rs.14,06,014/-. The amount refers to a PVC (Price Variation Clause) formula.

Learned counsel appearing for the parties places letters of 14th July, 2023 and 4th September, 2023 written by the award-debtor to the award-holder while the award-holder relies on a letter of 21st July, 2023 also written by the award-debtor. Counsel submits that despite the exchange of letters, parties have not come to any kind of consensus with regard to Item 7 of the Award.

The Court is further informed that the petitioner will give a copy of the letter of 21st July, 2023 to counsel appearing for the respondent.

It is significant that the letter dated 21st July, 2023 records that a substantial amount has already been sanctioned and vetted by Law & Finance towards satisfaction of the arbitration award.

List this matter on 30th January, 2024.

The award-debtor will pay the entire sanctioned amount to the award-holder by the returnable date.

The question of interest will be considered on the returnable date.

(MOUSHUMI BHATTACHARYA, J.)