

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL APPELLATE DIVISION
ORIGINAL SIDE

AO-COM/13/2025
WITH
AP-COM/485/2024
IA NO: GA-COM/2/2025

M/S. NBCC INDIA LIMITED
VERSUS
M/S. J G ENGINEERS PVT. LTD.

WITH

AO-COM/14/2025

M/S. NBCC INDIA LIMITED
VERSUS
M/S. J G ENGINEERS PVT. LTD.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
AND

The Hon'ble JUSTICE SMITA DAS DE
Date : 25th March, 2025.

Appearance:

Mr. Arnab Chakraborty, Adv.
Ms. Pragya Bhowmick, Adv.
...for the appellant

Ms. Sananda Mukhopadhyay, Adv.
Mr. Aurin Chakraborty, Adv.
Mr. Abhirup Chakraborty, Adv.
...for the respondent

1. This is a statutory appeal under Section 37 of the Arbitration and Conciliation Act, 1996.
2. The award dated 17th December, 2013 was under challenge.
3. The employer of NBCC has suffered an award dated 17th December, 2013. The award was partly set aside.

4. In the event the appellant NBCC deposits the amount payable under the award, namely, Rs.3.32 crores (approx) by way of cash or unconditional bank guarantee in favour of the Registrar, Original Side within a period of three weeks from date, the execution of the award shall remain stayed till the disposal of the appeal. In default, the respondent shall be entitled to proceed with the execution proceeding. However, there shall be an unconditional stay of operation of the order dated 1st July, 2024 for a period of three weeks.
5. In the event of cash security being furnished, the Registrar, Original Side shall invest the said amount in short term fixed deposit with any nationalised bank yielding highest return and keep it renewed till the disposal of the appeal or until further orders, whichever is earlier.
6. Mr. Abhirup Chakraborty, advocate-on-record on behalf of the respondent has waived service of the notice of appeal.
7. The appeal is ready as regards service.
8. The appellant shall file requisite number of informal paper-books prepared out of Court within six weeks from date and shall serve copies thereof to the advocate-on-record of the respondent within a week thereafter.
9. Settlement of index and all other formalities are dispensed with.
10. Liberty to mention after the paper-books are filed.
11. Since no affidavit-in-opposition is filed, all allegations are deemed to have been denied.

12. GA-COM/2/2025 is disposed of.
13. The paper-books filed in AO-COM/13/2025 shall also be treated as paper-book for AO-COM/14/2025. However, supplementary paper-book containing the memorandum of appeal in respect of AO-COM/14/2025 shall be filed.

(SOUMEN SEN, J.)

(SMITA DAS DE, J.)

R.Bhar/s.pal