

IA No: GA-Com 2 of 2024
APDT No. 17 of 2024
with
CS No. 159 of 2019
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION
(Commercial Division)

Eastern Railways
Versus
M/s. Veekay General Industries

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice PARTHA SARATHI SEN

Date: 2nd September 2024

Appearance:

Mr. Bipul Kr. Mandal, Advocate

Ms. Debjani Ghoshal, Advocate

for the appellant

Mr. Sakya Sen, Advocate

Mr. Arnab Das, Advocate

Ms. Akansha Yadav, Advocate

for respondent no.1

Mr. Sourojit Dasgupta, Advocate

Mr. Vishwarup Acharyya, Advocate

appear

The Court: Order in terms of prayer (a) of the stay petition
with all the usual undertakings.

We formally admit the appeal.

It is from a judgment and decree dated 17th October 2023
passed by a learned single judge. The operative part of the decree is
as follows:

“... ..

In view of the above, the defendant is directed to return the amount of Rs. 1,74,40,566/-. The amount of Rs. 63,77,229/- shall carry interest @18% per annum with effect from 25th August, 2015 and Rs. 1,10,63,335/- shall carry interest @18% per annum with effect from 23rd March 2017 till the realization of the said amount.

21. CS 159 of 2019 is thus disposed of. Decree will be drawn accordingly.”

We order unconditional stay of the decree till 20th September 2024.

By that date the appellant/railway authority shall furnish a bank guarantee for Rs.4 crores issued by a nationalised bank with the Registrar, Original Side of this court as security for the decretal amount, pending the appeal.

If such security is furnished the order of stay shall continue till the disposal of the appeal or until further orders whichever is earlier.

If such bank guarantee is not furnished the Registrar, Original Side shall issue a certificate to that effect. In that event, the order of stay shall stand vacated and the respondent decree-holder shall be at liberty to proceed with the execution of the decree.

We expedite hearing of the appeal.

As the respondent is represented by learned counsel, issuance and service of the notice of appeal are dispensed with. All other formalities are dispensed with.

Advocate-on-record for the appellant is directed to prepare and file an informal paper book before this court by 8th November 2024, serving a copy thereof on the advocate-on-record for the

respondent at least seven days before the date of hearing of the appeal.

List the appeal for hearing on 20th November 2024.

The stay application (IA No: GA 2 of 2024) is disposed of.

As no affidavits were invited, the allegations contained in the stay application are deemed to have been not admitted.

(I. P. MUKERJI, J.)

(PARTHA SARATHI SEN, J.)

R. Bose