

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/753/2025

BRIDGE AND ROOF COMPANY INDIA LIMITED
VS
M/S PACIFIC FIRE CONTROL PRIVATE LIMITED

With

AP-COM/721/2025

BRIDGE AND ROOF COMPANY INDIA LIMITED
VS
M/S PACIFIC FIRE CONTROL PRIVATE LIMITED

BEFORE:
THE HON'BLE JUSTICE GAURANG KANTH
Date: 14th January, 2026.

Appearance:

Mr. Varun Kothari, Adv.
Mr. Amit Meharia, Adv.
Ms. Paramita Banerjee, Adv.
Mr. Rohan Raj, Adv.
Mr. T. Chattopadhyay, Adv.
..for the petitioner

Mr. Kaushik Dey, Adv.
Mr. Rajnish Kalawatia, Adv.
Mr. Sunny Nandy, Adv.
Ms. Muskan Sharma, Adv.
Ms. Oindrila Ghosal, Adv.
..for the respondent

The Court: The petitioner has preferred the present petition under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the award dated 12th March, 2025 passed by the Micro and Small Enterprises Facilitation Council, Panchkula, Haryana.

Learned Counsel appearing for the petitioner submits that the certified copy of the impugned award has not been received by the

petitioner till date. However, a copy of the award was transmitted to the petitioner vide e-mail dated 6th of May, 2025 at 22:39 hours by the respondent. It is submitted that the present petition under Section 34 has been filed on 2nd September, 2025 well within the period of limitation as prescribed under Section 34(3) of the Arbitration and Conciliation Act, 1996.

Learned Counsel for the petitioner, in support of his submission that the petitioner had no prior knowledge of the award dated 12th of March, 2025, has drawn the attention of this Court to the application filed by the petitioner under Order IX Rule 13 of the Code of Civil Procedure, 1908 on 9th April, 2025.

Learned Counsel for the petitioner further states that an application under Section 16 of the Act, was also filed on 9th April, 2025. It is stated by the learned Counsel for the petitioner that in case, had the petitioner been aware of the impugned award dated 12th March, 2025, the petitioner would not have preferred the aforesaid two applications before the Council.

Learned Counsel for the respondent submits that the petitioner was well aware of the award passed by the Council on 12th of March, 2025. He states that the present petition under Section 34 is not maintainable as the same has been filed beyond the prescribed period of limitation. In this regard, he draws the attention of this Court to the order dated 12th of March, 2025, wherein it is recorded that the Law Officer of the petitioner was present before the Council.

Heard learned Counsel for the parties and perused the materials on record, this Court is of the *prima facie* view that the award has not been

communicated to the petitioner. The fact that the petitioner had moved applications before the Council indicates that the petitioner was not aware of the passing of the final award. The petitioner claims to have become aware of the award only through the e-mail received from the respondent on 6th of May, 2025, though this fact is disputed by the Counsel for the respondent. In order to put the controversy at rest, this Court deems it appropriate to call for a report from the Micro and Small Enterprises Facilitation Council, Panchkula, Haryana.

In view of the same, the Micro and Small Enterprises Facilitation Council, Panchkula, Haryana shall place on record the details as to the manner and date on which the award dated 12th March, 2025 was communicated to the parties. Such report shall be filed by the Council within a period of three weeks from date.

Learned Counsel for the petitioner shall communicate a copy of this order to the Council.

List the matter after four weeks.

(GAURANG KANTH, J.)