



OIPD-18

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

AP/1016/2015

SATYEN CONSTRUCTION
VS
BOARD OF TRUSTEES FOR THE PORT OF KOLKATA

Before:

The Hon'ble Justice RAVI KRISHAN KAPUR

Date: 19th March 2025

Appearance:
Mr. Priyankar Saha, Adv.
Mr. Hemant Tiwari, Adv.
Ms. Oindrila Ghosal, Adv.
Ms. Pallavi Chatterjee, Adv.
...for petitioner.

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Ashok Kumar Jana, Adv.
...for respondent.

The Court: This is an application under Section 34 of the Arbitration and Conciliation Act, 1996 challenging an award dated 30 February, 2015.

It is contended on behalf of the petitioner that there has been serious irregularity in the procedure followed by the Sole Arbitrator in passing the impugned award. The award is also in conflict with the public policy of India and in violation of the mandatory provisions under Section 31(3) of the award. There are no reasons in dismissing claim nos. 3 to 9 of the petitioner.

On behalf of the respondent, it is submitted that the petitioner has already accepted payments under the award and is estopped from challenging the same.

Without prejudice to the rights and contention of the parties, the respondent authorities are directed to take instructions.



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The petitioner is also directed to take instructions insofar as refund of the amount received in terms of the impugned award alongwith nominal interest.

The Notes of Submissions filed on behalf of the parties be kept with the records.

Let this matter appear for further hearing on 3 April, 2025.

(RAVI KRISHAN KAPUR, J.)

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