

OCD – 31 & 32

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
COMMERCIAL DIVISION

IA NO. GA-COM/2/2024
In AP/899/2011
STATE OF WEST BENGAL
Vs
CAB ENGINEERS PRIVATE LIMITED

IA NO. GA-COM/3/2024
In AP/899/2011
STATE OF WEST BENGAL
Vs
CAB ENGINEERS PRIVATE LIMITED

BEFORE :
THE HON'BLE JUSTICE SHAMPA SARKAR
Date :12th March, 2025.

Appearance :
Mr. Sakya Sen, Sr. Adv.
Mr. Priyankar Saha, Adv.
Mr. Hemant Tiwari, Adv.
...for petitioner.

Ms. Noelle Banerjee, Adv.
Mr. Arindam Mandal, Adv.
Mr. Paritosh Sinha, Adv.
Ms. Swagata Ghosh, Adv.
....for State/Respondent.

The Court :This Court finds that a learned co-ordinate Bench had recalled an order passed earlier by a competent court while disposing of an application for stay of an award. A direction for unconditional stay of the award had been passed. The other co-ordinate Bench, upon considering the amended provisions of law and the orders passed by the Hon'ble Apex Court, recalled the order and directed that deposit should

be made for the principal amount awarded. The parties were further directed to come back with the calculations with regard to the interest. The order was complied with. What remained to be completed was to direct deposit of interest as per the calculations arrived at by the parties. The award was stayed by his Lordship upon deposit of the principal amount.

At this juncture, the learned Government Pleader opposed the prayer of the award holder for deposit of the interest. In my opinion, His Lordship who had passed the order and directed deposit of the principal amount had kept the matter pending, only for the purpose of depositing the interest amount.

Let this matter appear before His Lordship for final adjudication.

This Court is of the view that, in order to avoid conflicting decisions, the matter should also be heard by His Lordship.

The objection raised by the award-debtor, if accepted by this court, would actually amount to interfering with an order of a co-ordinate Bench which is not permissible. Under such circumstances, the matter should be heard by the learned Judge who had passed the order for deposit of the principal amount. The matter is released. Accordingly, parties are at liberty to take steps for assignment.

(SHAMPA SARKAR, J.)

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