OIP-89

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
Ordinary Original Civil Jurisdiction

AP/899/2011
IA NO: GA-COM/2/2024, GA-COM/3/2024

STATE OF WEST BENGAL
VS
CAB ENGINEERING PRIVATE LIMITED

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 2nd September, 2025.

Appearance:
Mr. Paritosh Sinha, Adv.
Mr. Arindam Mandal, Adv,.
Ms. S. Ghosh, Adv.
…for the state.
Mr. Sakya Sen, Sr. Adv.
Mr. Sabyasachi Sen, Adv.
…for the respondent.

GA-COM/2/2024

The Court: This is an application seeking recalling of an order passed by a Coordinate Bench dated December 19, 2018. It is fairly submitted on behalf of both the parties that in view of the earlier orders of Court and the steps which both the parties have mutually taken in this proceedings, the application has for all practical purposes become infructuous and no further order is necessary in this application.

In view of the above, GA-COM/2/2024 stands disposed of in terms of prayers (a) and (b) of the Notice of Motion.

GA-COM/3/2024

This is an application seeking additional security in view of the drastic increase in the interest component caused primarily due to the pendency of this proceeding.

The Affidavit filed on behalf of the State in GA-COM/2/2024 dealing with the aspect of the matter be kept with the records.

It is fairly submitted on behalf of both the parties that during the pendency of this proceeding and in view of the original award dated 16 November, 2010, there is a radical increase in the interest component in terms of said award.

Both parties agree that an amount of Rs. 3 crores approximately has become due and payable only on account of additional interest calculated in terms of the award. In view of the provisions under Section 36(2) of the Act and the decisions in *"State of West Bengal and Another vs. Dilip Kumar Saha,", "State of West Bengal and Others vs. BBM Enterprise" and "Future Market Networks Limited vs. Laxmi Pat Surana and Another"* the security furnished under Section 36(2) of the Act by the award debtor should be realistic and realizable.

In such circumstances, the State is directed to deposit a sum of Rs. 3 crores either in cash or in bank guarantee with the Registrar, Original Side who is directed to invest the same in an interest bearing account forthwith.

Liberty is granted to the petitioner to withdraw the same on furnishing of a bank guarantee of an equivalent amount and upon satisfaction of the Registrar, Original Side.

With the above directions, GA-COM/3/2024 stands disposed of.

The above exercised is to be completed within eight weeks from the date of passing of this order.

AP/899/2011

By consent of the parties, let this matter appear in the monthly list of November, 2025.

(RAVI KRISHAN KAPUR, J.)

SK.