

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

Item No.1
06.02.2026
Court. No. 6
GB

FMAT (ARBAWARD) 1 of 2025
With
CAN 1 of 2025

The Union of India
Vs.
S.N. Kanungo

Mr. V.D. Sivabalan

...for the Appellant.

Mr. Sailaza Nandan Das,
Mr. Saurav Kanungo

...for the Respondent.

1. This matter was taken up for hearing, when this Bench was in circuit on October 31, 2025. Upon hearing the parties we came across an order by which the Hon'ble Apex Court, dismissed the Special Leave Petition preferred by the Union of India but reduced the interest component from 15% to 8%, in respect of a similar award.
2. We recorded that the authority should give a serious consideration to such aspect, and come back before us with a solution. On the limited issued, the matter was marked 'heard in-part' as Mr. Sivabalan had asked for some time to come back with instructions.
3. It appears to the Court that the Union of India is not in a position to accept a similar order to that passed by Hon'ble Apex Court and wants to argue on merits.

4. The award-holder submits that, showing the pendency of this application before this Court the execution case is being stalled.
5. The law is well-settled that, in case an award for money is passed, unless the awarded sum which includes the principal and the interest is deposited before the competent court in terms of Section 36 (2) and (3) of the Arbitration and Conciliation Act, 1996, the execution shall proceed and there shall be no stay of the execution.
6. Under such circumstances, “part-heard” is cancelled and the matter is released from the list to be placed before the appropriate Circuit Bench for hearing.
7. The award-holder is at liberty to approach the learned executing court for expeditious disposal of the execution case.

(Shampa Sarkar, J.)

(Ananya Bandyopadhyay, J.)