



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

FMAT(ARBAWARD)/4/2024
IA No.CAN/2/2025

The Union of India and others

Vs.

M/s CSE Construction (India) Pvt. Ltd.

Mr. V. D. Sivabalan ... for the appellants

Mr. Tapan Kumar Das ... for the respondent

April 08, 2025
[SR]
Item no. 2

Re: CAN/2/2025 (Application for extension of time)

The present application being CAN/2/2025 has been preferred by the appellants praying for extension of time to furnish the bank guarantee of the awarded amount (excepting cost).

Mr. Sivabalan, learned advocate appearing for the appellants submits that by an order dated 11th March, 2025, a Coordinate Bench of this Court granted an unconditional stay of enforcement of the impugned award for a period of two weeks and directed the appellants to secure the awarded amount by furnishing the bank guarantee. It was further directed that in the event such bank guarantee is furnished, the impugned award shall remain stayed till the disposal of the appeal.

He submits that in terms of the order dated 11th March, 2025, paper books have already been filed. However, on the verge of the financial year closure, the department is not having sufficient fund and in view thereof, the time to furnish the bank guarantee may be extended till the end of July, 2025.



Mr. Das, learned advocate appearing for the respondents, however, submits that no such ground was urged when the matter was last heard on 11th March, 2025.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that the application for extension of time has been filed within two weeks after the order was passed on 11th March, 2025. It further appears that by a letter dated 17th March, 2025, the Executive Engineer, South Andaman Division, APWD, Sri Vijaya Puram has already submitted a representation to the Finance Officer to the Chief Engineer requesting for immediate allotment of fund.

In the said conspectus and considering the financial constraints, we extend the time to furnish the bank guarantee with the Registrar, Circuit Bench of Calcutta High Court at Port Blair, for a period of eight weeks from date.

The unconditional stay of enforcement of the award is reinstated and extended for a period of eight weeks and in the event the bank guarantee is furnished, the impugned award shall be stayed till the disposal of the appeal.

With the above observations and directions, the application being CAN/2/2025 is disposed of.

Re: FMAT(ARBAWARD)/4/2024

Records reveal that in the said order dated 11th March, 2025, a Coordinate Bench of this Court observed that the Trial Court Records are incomplete and directed the same to be sent to the Trial Court with the direction that the complete set of Trial Court Records duly verified by the learned Judge to be transmitted to the Circuit Bench within two weeks.



However, it appears that there was no earlier order to call for the Trial Court Records and as such the above direction contained in the order dated 11th March, 2025 could not be complied with.

In view thereof, this Court directs that the Trial Court Records be summoned within a month from date so that the above direction contained in the order dated 11th March, 2025 can be complied with.

List the matter for further consideration before the next available Circuit Bench.

(Tapabrata Chakraborty, J.)

(Apurba Sinha Ray, J.)