

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/188/2026

WEST BENGAL HOUSING BOARD
VS
M/S. SHAPOORJI PALLONJI AND COMPANY PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 31st August, 2026.

Appearance:

Mr. Jishnu Saha, Sr. Adv.

Ms. Sweta Gandhi, Adv.

Mr. Suhaan Mukherji, Adv.

Mr. Adarsh Kumar, Adv.

Mr. Ayan Chakraborty, Adv.

Mr. Aditya Pandey, Adv.

Mr. Subojit Saha, Adv.

...for the petitioner

Mr. Sudipto Sarkar, Sr. Adv.

Mr. Sabyasachi Chaudhury, Sr. Adv.

Mr. Bodhisatta Biswas, Adv.

Mr. Mohit Rohatgi, Adv.

Mr. Ashwini Kumar Tak, Adv.

Ms. Samriddhi Shukla, Adv.

Mr. Sahadat Ali, Adv.

Mr. Mainak Das, Adv.

...for the respondent

The Court: The petitioner has preferred the present petition under Section 36(2) of the Arbitration and Conciliation Act, 1996, seeking stay of the operation of the award dated 13.09.2025.

Learned Senior Counsel for the petitioner submits that he is ready and willing to deposit the awarded amount by way of a bank guarantee.

Learned Senior Counsel for the respondent states that the intent of the Legislature in bringing the amendment by way of Section 36(2) of the Act is to protect and secure the awarded amount. He further submits that by way of a bank guarantee, the awarded amount can be secured but the fruits of the award cannot be enjoyed by the respondent since they will not be able to utilise the said amount for their business purposes. Learned Senior Counsel for the respondent submits that the awarded amount should be secured by way of a cash deposit so that appropriate applications can be filed by the respondent to withdraw the said amount for their business purposes.

This Court has heard the submissions advanced by the learned Senior Counsel appearing for the respective parties and has perused the materials placed on record.

Considering the submissions made by both sides and keeping in mind the balance of convenience and equity between the parties, this Court is of the view that the awarded amount ought to be secured by way of 50% cash deposit and 50% bank guarantee.

The petitioner is directed to deposit 50% of the awarded amount along with up-to-date interest by way of cash security and the remaining 50% by way of a bank guarantee before the Registrar, Original Side within a period of eight weeks, subject to satisfaction of the Registrar, Original Side.

The Registrar, Original Side is directed to keep the said cash amount in an interest bearing FDR with any nationalised bank with an auto renewal facility.

In case the said amount is deposited within the stipulated time period, there shall be a stay of the operation of the award dated 13.09.2025.

It is clarified that in the event the petitioner fails to deposit the said amount within the stipulated time period, there shall be no stay of the award dated 13.09.2025.

With the aforesaid directions, the present petition is disposed of.

(GAURANG KANTH, J.)

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