

ITEM NO.50

COURT NO.12

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.17542-17543/2026

[Arising out of impugned judgment and order dated 08-04-2026 in FMA No. 1601/2025 & 11-05-2026 in RVW No. 125/2026 passed by the High Court at Calcutta]

HALDIA DEVELOPMENT AUTHORITY & ORS.

Petitioner(s)

VERSUS

M/S. SARBANI PRASAD CHATTERJEE & SONS

Respondent(s)

IA No. 151067/2026 - EXEMPTION FROM FILING C/C OF I/JUDGMENT

Date : 14-08-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
 HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Mr. Amit Anand Tiwari, Sr. Adv.
 Ms. Astha Sharma, AOR
 Ms. Jyoti Dastidar, Adv.
 Ms. Anju Thomas, Adv.
 Mr. Swarajit Dey, Adv.
 Mr. Saptarshi Kar, Adv.
 Mr. Shreyas Awasthi, Adv.
 Ms. Vatsala Chandra Chaturvedi, Adv.

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR

Mr. Nikhil Goel, Sr. Adv.
 Mr. Prashant Jain, Adv.
 Mr. Varun Garg, Adv.
 Mr. Shubham Paliwal, Adv.
 Mr. Bharat Sood, Adv.
 Mr. P. S. Sudheer, AOR
 Mr. Rishi Maheshwari, Adv.
 Ms. Anne Mathew, Adv.
 Mr. Jashan Vir Singh, Adv.
 Ms. Lizhu Shiney Konyak, Adv.
 Ms. Nishpreha Mittal, Adv.
 Ms. Sunaina Phul, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Amit Anand Tiwari, learned Senior Counsel for the petitioner(s) and Mr. Nikhil Goel, learned Senior Counsel for the respondent(s).
2. The present petitions call in question the correctness of the orders dated 08-04-2026 in FMA No. 1601/2025 & 11-05-2026 in RVW No. 125/2026 passed by a Division Bench of the High Court at Calcutta.
3. Considering the nature of the order that we propose to make, only a brief reference to the facts is necessary. Pursuant to a Notice Inviting Tender (NIT), the petitioner no.1 had issued a work order dated 11.01.2013 valued at Rs.3.51 crores approximately for certain constructions with stipulated deadlines for completing the projects. The exact contract value was to depend on the quantities of work executed and measured, subject to certain conditions. Disputes arose between the parties with regard to the timelines for completion of the work. Ultimately, the respondent(s) herein filed a writ petition in WPA No.23506/2017 before the High Court at Calcutta seeking release of payments under the final bill as well as the security deposits.
4. The petitioners opposed the said writ petition including on the ground of maintainability. The learned Single Judge of the High Court by judgment dated 06.05.2025 dismissed the said writ petition as it involved disputed questions of facts. The respondent carried the matter in appeal before the Division

Bench of the High Court. By the order of 08.04.2026, the Division Bench made an interim order directing the petitioners herein to pay a sum of Rs.90,00,000/- to the respondent. By the said order while the petitioners were not allowed to retain the earnest money, security deposit and 10% liquidated damages. A review petition filed by the petitioners, was dismissed on 11.05.2026. Being aggrieved, the petitioners approached this Court.

5. When the matter came up before us on 15.05.2026, while issuing notice to the respondents, we stayed the impugned orders.

6. Parties were also referred to mediation to find an amicable solution of the disputes.

7. Today, both the learned Senior Counsel appearing for the in respective parties jointly report that the mediation has failed.

8. However, both parties made a prayer to this Court that they are agreeable to have the disputes inter se arising in this matter between the parties to be resolved under the Arbitration & Conciliation Act, 1996(for short, 'A&C Act').

9. The consent of both the parties to refer the matter to an arbitrator is placed on record.

10. Parties have also left it to the Court to appoint an arbitrator.

11. Considering the nature of the dispute involved between the parties, we appoint Mr.Rishav Banerjee(+919051330097), Advocate practicing in the Kolkata, to act as an arbitrator in

this matter.

12. Parties to get in touch with the learned Arbitrator. The fees shall be in accordance with Fourth Schedule of the A&C Act.

13. In view of the agreement arrived at between the parties to refer the matter to arbitration, the interim order granted by this Court on 15.05.2026 shall continue till the learned Arbitrator is moved for a suitable modification. The arbitrator shall decide the interim application, if any, moved, uninfluenced by any of the observations made in the orders of the High Court or by the order of this Court.

14. In view of this order, nothing further remains to be adjudicated in FMA No.1601/2025 and the same will stand disposed of.

15. All contentions of the parties are left open.

16. The Special Leave Petitions are disposed of in the above terms.

17. Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)