

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

CO/50/2025

The Administration of Andaman and Nicobar Islands

Vs.

M/s HCL Infotech Limited

Mr. Rakesh Kumar ... for the petitioner

Mr. Arul Prasanth
Mr. Amitesh Mishra ... for the respondents

September 07, 2026
[SR]
Item No.1

1. The petitioner/judgment debtor, is aggrieved by the order dated 09.07.2026 passed by the learned District Judge in O.S.No.7 of 2024 whereby the application under Section 36(2) of the Arbitration and Conciliation Act, 1996 stood rejected on the assurance given the learned advocate representing the decree holder that till the application under Section 34 is not disposed of, no steps will be taken for proceeding with the execution of the award.

2. Learned advocate representing the petitioner refers to the judgment dated 10.12.2025 passed by this Court in CO/64/2025 wherein the Court specifically directed the learned District Judge to take up hearing of the application filed under Section 36(2) of the Act on merits after giving opportunity to the opposite party to file objection thereto.

3. It has been submitted that instead of deciding the application under Section 36(2) on merits, the learned Trial Court simply rejected the same on the assurance given by the learned advocate representing the decree holder.

4. The judgment debtor prays for time for securing the awarded amount before the learned Trial Court.

5. Prayer has been made to set aside the order dated 09.07.2026.

6. Learned advocate representing the respondent/decreed holder opposes the submission of the petitioner. It has been submitted that the petitioner ought to have secured the awarded amount prior to approaching the Court.

7. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents annexed to the instant application, it appears that vide the judgment dated 10.12.2025, this Court specifically directed the learned District Judge to decide the application under Section 36(2) on merits.

8. The learned District Judge, instead of deciding the application on merits, relying on the assurance given by the learned advocate for the award holder rejected the said application.

9. The impugned order passed by the learned District Judge is contrary to the direction passed by this Court in the judgment dated 10.12.2025.

10. In view of the above, the impugned order dated 09.07.2026 cannot be upheld and the same stands set aside.

11. The petitioner/decreed holder is directed to secure the awarded amount before the learned District Judge on or before 12.10.2026 when the matter is fixed for consideration before the executing court at New Delhi.

12. In default to secure the awarded amount in terms of the direction passed herein above, it will be open for the decree holder/award holder to proceed with the execution of the award.

13. Learned District Judge is directed to dispose of the application under Sections 34 and 36 strictly in accordance with the direction passed in the judgment dated 10.12.2025.

14. Civil revisional application stands disposed of. Consequently, the connected application also stands disposed of.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Amrita Sinha, J.)