OCD-18

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/809/2026

M/S. Hindustan Aeronautics Limited
VS
Shahi Electric Engineering Company Private Limited

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date : 14th October, 2026.

Appearance:
Mr. Pourush Bandyopadhyay, Adv.
Mr. Dipankar Das, Adv
Ms. Rajashree Bhowmick, Adv.
...for the petitioner

Mr. Sukrit Mukherjee, Adv.
Mr. Shuvojeet Gupta, Adv.
Mr. Arindam Paul, Adv.
Ms. Debarati Das, Adv.
...for the respondent

The Court: Affidavit of service is taken on record.

The petitioner has preferred the present petition under Section 36(2) read with Section 36(3) of the Arbitration and Conciliation Act, 1996, seeking stay of the arbitral award dated 14.06.2024 passed by the West Bengal Micro Small and Medium Enterprises Facilitation Council in Case No. 72 of 2019, pending disposal of the application under Section 34 of the Act being AP-(COM) No./667/2025.

The award directs the petitioner to pay a sum of Rs. 33,64,113.53/- including interest in connection with the disputes that have arisen between the parties out of the Work Orders. The petitioner challenges the award, by

filing AP-(COM) No./667/2025, *inter alia*, on the grounds that the mandate of the counsel had expired, the counter-claim was not adjudicated upon and the claims under separate work orders were improperly clubbed together.

The respondent has filed an execution petition before the Commercial Court at Rajarhat being Misc. Ex (Com) – 6/2026 wherein the Court had attached the Bank Account bearing no. 00000010942857630 maintained by the petitioner with the State Bank of India, HAL Barrackpore Division Branch, to the extent of the awarded dues.

Having considered the materials on record and the submissions advanced on behalf of the Petitioner, this Court is of the view that the operation of the award warrants conditional stay, subject to adequate security for the awarded amount. .

Accordingly, there shall be a conditional stay of the enforcement of the award dated 14.06.2024 subject to the petitioner depositing the entire awarded amount with the Registrar, Original Side of this Court within a period of two weeks from date.

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

In case the petitioner fails to deposit the said amount within the stipulated time period, there shall be no stay of the award dated 14.06.2024.

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

(GAURANG KANTH, J.)

R.Bhar