

(2023) 12 SIK CK 0007

In the Sikkim High Court

Case No : Interim Application No. 01 Of 2023 In Arbitration Appeal No. 01 Of 2023

Border Roads Organisation (BRO)

APPELLANT

Vs

Abhyudaya Housing And Construction Private Limited

RESPONDENT

Date of Decision : 01-12-2023

Acts Referred:

Citation : (2023) 12 SIK CK 0007

Hon'ble Judges : Biswanath Somadder, CJ; Bhaskar Raj Pradhan, J

Bench : Division Bench

Advocate : Sangita Pradhan, Purnima Subba, Natasha Pradhan, Jorgay Namka, Hissey Gyaltzen, Avinash Dewan, Rinchen Ongmu Bhutia

Final Decision : Disposed Of

Judgement

Biswanath Somadder, CJ

This is an application praying for ex-parte ad interim stay of the impugned judgment dated 16th June, 2023, passed by the learned Commercial Court, Gangtok, Sikkim in Arbitration Case No.08/2021.

When the application is taken up for consideration, the learned Deputy Solicitor General of India submits that her client, namely, Border Roads Organisation (BRO), has moved a file before the appropriate authority for the purpose of seeking approval with regard to release of the amount required for pre-deposit in order to have the stay application heard. She further submits that till date approval has not been obtained.

Considering the facts and circumstances of the instant case, as stated above, we are of the view that no order can be passed at this stage in the instant application.

We, therefore, dispose of this application with a direction upon the Registry to place the appeal, being Arbitration Appeal No. 01/2023, before this Court a

fortnight after the winter vacation for hearing.

The application is accordingly disposed of.