

(2023) 03 SIK CK 0029
In the Sikkim High Court
Case No : Arbitration Appeal No. 01 Of 2020

Sikkim Power Development Corporation & Anr	APPELLANT
Vs	
M/S Amalgamated Transpower (India) Ltd	RESPONDENT

Date of Decision : 15-03-2023

Acts Referred:

Citation : (2023) 03 SIK CK 0029

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

Bench : Division Bench

Advocate : Tarun Johri, Aarohi Bhalla, Tamanna Chhetri, Tenzing Thinlay Lepcha, Vidhan Vyas, Tanish Ganeriwala, Vishwajeet Tyagi, Biswabrata Basu Mallick, Rachana Rai

Judgement

Biswanath Somadder, CJ

When the matter is taken up for further consideration at 02.00 p.m. and it is now the turn of the respondent to reply to the submissions advanced on behalf of the appellants, learned counsel appearing for the respondent submits that he does not have his brief and as such, not ready and seeks time.

To say the least, we are a bit shocked and surprised by such submission made on behalf of the respondent at this belated stage for the simple reason that we had made it clear on 27th February, 2023 — in presence of both parties — for both appeals (being Arb. A. No.01/2020 and Arb. A. No.01/2021) to be heard on a day to day basis, beginning 10th March, 2023, in view of the order dated 14th October, 2022, passed by the Hon'ble Supreme Court wherein there was a specific direction upon this High Court to dispose of both the appeals within a certain timeframe, which still stands and is required to be complied with. Thereafter, the matter was heard on subsequent dates, i.e., on 10th March, 2023; 13th March, 2023 and 14th March, 2023. During all these days, the respondent was all along represented through learned advocate(s). We, however, notice that the learned counsel for the respondent — who is addressing us today — entered appearance for the first time, yesterday. Seeking of adjournment at

this belated stage is palpably unfair, not in the interest of administration of justice and is required to be frowned upon. Ideally, in the facts and circumstances of the instant case, no adjournment should be granted. However, purely following the spirit of audi alteram partem, we adjourn the matter till 02.00 p.m. tomorrow, while making it clear that no further prayer for adjournment shall be entertained under any circumstances.