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**(2023) 02 SIK CK 0052**  
**In the Sikkim High Court**  
**Case No : Arbiration Appeal No. 01 Of 2020**

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

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**Date of Decision :** 27-02-2023

**Acts Referred:**

**Citation :** (2023) 02 SIK CK 0052

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

**Bench :** Division Bench

**Advocate :** Tarun Johri, Tamanna Chhetri, Tenzing Thinlay Lepcha, Prateek K. Chadha, Rachana Rai

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## Judgement

Biswanath Somadder, CJ

On 14th October, 2022, the Hon'ble Supreme Court of India, in Special Leave Petition (Civil) Diary No (s). 25702/2022, inter alia directed this High Court to finally dispose of the appeals pending before this Court at the earliest, preferably within a period of six months from that day. Notwithstanding such time bound directions given by the Hon'ble Supreme Court, M/s Amalgamated Transpower (India) Ltd., took out an interlocutory application, being IA No. 08/ 2022, before another Division Bench of this Court praying for adjournment on the grounds that the orders of the Hon'ble Supreme Court were awaited in the matter which was listed therein on 07th November, 2022. Taking the prayer of the respondent into consideration, the other Division Bench of this Court, while disposing of the said interlocutory application, directed the instant matter to be listed on 27th February, 2023. Another order was passed in Arbitration Appeal No.01/2021 (Amalgamated Transpower (India) Ltd. vs. Sikkim Power Development Corporation Ltd. and Another), directing the said matter to be listed on 27th February, 2023.

Both the matters are now before this Court in terms of the directions passed earlier.

Upon perusing the records, we notice that on 07th November, 2022, the Hon'ble Supreme Court passed another order whereby Miscellaneous Application Nos. 1894-1895/2022 in SLP(C) No.18211-18212/2022, were disposed of with certain directions. We also take note of the statements made in the compliance affidavit filed by the authorized representative of the Appellant No. 2 in Arbitration Appeal No. 01/2020, wherefrom it appears that pursuant to the orders of the Hon'ble Supreme Court, the required amounts have been deposited with the Bank, namely, State Bank of Sikkim, both in the name of the Registrar General of this Court. Two original Fixed Deposit Receipts (FDRs) are annexed to the compliance affidavit, which may be kept on record.

It is clear from the order dated 14th October, 2022, passed by the Hon'ble Supreme Court that there is a specific direction upon this Court to dispose of both the appeals within certain timeframe, which still stands and is required to be complied with. As such, we are of the view that both the appeals shall be heard on a day-to-day basis, beginning 10th March, 2023.