
(2025) 12 MEG CK 0040

Meghalaya HC

Case No: First Appeal No. 12 Of 2025, Miscellaneous Case (FA) No. 17 Of 2025

Union Of India & Anr

APPELLANT

Vs

Shimtilin Kharkrang

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Arbitration & Conciliation Act, 1996 - Section 31(7)

Hon'ble Judges: Soumen Sen, CJ; H. S. Thangkhiew, J

Bench: Division Bench

Advocate: Dr N. Mozika, K. Gurung

Judgement

1. This appeal arises out of an order passed in the execution of an award dated 27.03.2006.

2. The learned DSGI has submitted that the finding of the learned Executing Court that the award has to be calculated based on Section 31(7) of the Arbitration & Conciliation Act, 1996 which required post award claim on interest, is not in accordance with law. However, it is fairly submitted that the award has attained finality as the challenge in the award has failed in the meantime and the appellant is willing to deposit the entire awarded amount together with the interest till the date of the award, as the amount already deposited with the Executing Court on the undertaking that the balance decretal amount shall be deposited with the Executing Court on or before 28.01.2026.

3. There shall be an unconditional stay of the order impugned and, in the event, the said amount is deposited, it shall continue till the disposal of the appeal. In the event it will be open for the decree holder to withdraw the amount deposited and to be deposited in terms of this order in parts satisfaction of the awarded sum.

4. The appellant is directed to serve a copy of the stay application upon the learned Advocate appearing for the decree holder before the Commercial Court, Shillong

within a week from date along with a copy of this order.

5. The stay application shall be listed on 09.02.2026.

6. We make it clear that in the event the deposit is not made in accordance with this order, the stay shall stand automatically vacated without any further reference to this Court and the Executing Court shall proceed with the execution of the order.

7. An affidavit of service shall be filed on the adjourned date.