

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

Arb. A. No. 12/2025

UNION OF INDIA

APPELLANT (S)

VERSUS

M/S NAR BAHADUR DAHAL (NBD)

RESPONDENT (S)

For Appellant : Ms. Sangita Pradhan, Deputy Solicitor General of India with Ms. Natasha Pradhan and Ms. Sittal Balmiki, Advocates.

For Respondent : None.

Date: 16/10/2025

CORAM:

**HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

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ORDER : (per the Hon'ble, the Chief Justice)

Having heard the learned Advocate for the appellant and upon perusing the instant appeal filed under section 37 of the Arbitration and Conciliation Act, 1996 (as amended till date), we are of the view that there are two issues which are required to be considered by us. Whether there was non-consideration of the contention with regard to the counter claim of the respondent being barred by limitation and whether such non-consideration would amount to patent illegality. Additionally, whether awarding of cost of litigation of Rs.15.00 lakhs by the learned Arbitrator also tantamounts to patent illegality. The reason why we have flagged these issues at the very outset is, we are conscious of our limited scope of interference while sitting as a Court of Appeal under section 37 of the Arbitration and Conciliation Act, 1996 (as amended till date).

List this matter for further consideration under an appropriate heading on 28th October, 2025.

**(Bhaskar Raj Pradhan)
Judge**

**(Biswanath Somadder)
Chief Justice**