

**HIGH COURT OF SIKKIM**  
**Record of Proceedings**

**WP(C) No.29 of 2025**

UNION OF INDIA

PETITIONER

*VERSUS*

M/S M. G. CONTRACTORS PVT. LTD.

RESPONDENT

**Date: 15.09.2025****CORAM : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

For Petitioner     Ms. Sangita Pradhan, Deputy Solicitor General of India.

For Respondent     Mr. Sudesh Joshi, Advocate.  
   Mr. Adarsh Gurung, Advocate.

**JUDGMENT**

Learned Counsel Mr. Sudesh Joshi enters appearance for the Respondent with Learned Counsel Mr. Adarsh Gurung and undertakes to file Vakalatnama, during the course of the day.

Heard Learned Deputy Solicitor General of India (DSGI) for the Petitioner, who has taken this Court through the Order of the Learned Commercial Court, Mangan District, Sikkim, passed in Commercial Civil Execution Case No.01 of 2022 (*M/s. M. G. Contractors Pvt. Ltd. vs. Union of India*).

The prayers in the Writ Petition are as follows;

(a) issue an appropriate Writ in the nature of Certiorari or any other writ to set aside the order dated 31-07-2024, passed by the Learned Commercial Court in Commercial (Execution Case) No.01 of 2022;

(b) issue any other order or direction as this Hon'ble Court may deem proper, just and fair in circumstances of the present case; and

(c) or such further and other reliefs as the nature and circumstances of the case may require.

The background for the prayers in the Writ Petition are that, the Commercial Court had directed the Award Debtor to pay the award amount, to the opposing parties and in the event of failure to do so the Award Debtor was directed to prepare an Affidavit on the same day, i.e., 30-07-2024, stating the particulars of their assets, to enable the Court to take further steps.

The Award Debtor was present in the Court through the Assistant Accounts Officer (AAO), BRPD-11, CPWD, Chungthang, who had filed an application, seeking adjournment, on the ground that the Learned DSGI was out of station for her father's medical treatment. It is submitted by

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Learned DSGI before this Court that her father was in a critical condition at a hospital in Siliguri and admitted in ICU, hence her absence in Court that day. It is further submitted that, despite the circumstance cited for the absence of Learned DSGI, the Learned Commercial Court granted adjournment only till the next day, i.e., 31-07-2024.

In the absence of Learned DSGI the Award Debtor represented by the AAO was not competent to take steps immediately and place it before the Court on the next date. Learned DSGI urges that despite the afore detailed circumstances, costs of Rs.70,000/- (Rupees seventy thousand) only, was imposed on the Award Debtor for failing to adhere to the direction of the Court by not submitting the value of the items, on Affidavit. That, on the grounds put forth today, the impugned Order be quashed and set aside. It is clarified by Learned DSGI that the Award amount has been paid to the Respondent in full.

Learned Counsel for the Respondent submits that he has no objection to the prayers put forth, as the Award amount has been duly received by the Respondents.

Due consideration has been afforded to the submissions advanced by the Learned DSGI, the opposing Counsel and the circumstances as appears in the Orders dated 30-07-2024 and 31-07-2024 of the Learned Commercial Court.

In view of the specific ground urged while seeking an adjournment on 30-07-2024, i.e., the ill-health of the father of the Learned DSGI, this is a fit case where the impugned Order can be set aside.

Accordingly, the impugned Order dated 31-07-2024 is quashed and set aside.

Writ Petition is accordingly allowed and disposed of.

**Judge**  
15.09.2025