

**IA No.01/2023**  
**IN**  
**Arb. A. No. 01/2023**

BORDER ROADS ORGANISATION (BRO)

APPELLANT (S)

VERSUS

ABHYUDAYA HOUSING AND CONSTRUCTION  
PRIVATE LIMITED

RESPONDENT (S)

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

For Respondent : Mr. Jorgay Namka, Senior Advocate with Mr. Hissey Gyaltzen and Mr. Avinash Dewan and Ms. Rinchen Ongmu Bhutia, Advocates.

**Date: 01/12/2023**

**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)**

This is an application praying for ex-parte ad interim stay of the impugned judgment dated 16<sup>th</sup> June, 2023, passed by the learned Commercial Court, Gangtok, Sikkim in Arbitration Case No.08/2021.

When the application is taken up for consideration, the learned Deputy Solicitor General of India submits that her client, namely, Border Roads Organisation (BRO), has moved a file before the appropriate authority for the purpose of seeking approval with regard to release of the amount required for pre-deposit in order to have the stay application heard. She further submits that till date approval has not been obtained.

Considering the facts and circumstances of the instant case, as stated above, we are of the view that no order can be passed at this stage in the instant application.

We, therefore, dispose of this application with a direction upon the Registry to place the appeal, being Arbitration Appeal No. 01/2023, before this Court a fortnight after the winter vacation for hearing.

The application is accordingly disposed of.

**(Bhaskar Raj Pradhan)**  
**Judge**

**(Biswanath Somadder)**  
**Chief Justice**

jk /bp/avi/ami