

In the Court of the District Judge, Birbhum at Suri

Misc. (Arbitration) Case No. 109 of 2024

CNR No. WBBB01-004717-2024

Present: -Smt. Arti Sharma Roy (WB00149)
District Judge, Birbhum.

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21.06.2025

Record is taken up for hearing on the point of admission.

Ld. Advocate for the petitioner and the OP is present by filing hazira.

On behalf of the OP no. 5 & 6 / State, Ld. GP has duly attended the Court.

I have heard Ld. Advocate for the petitioner and also for the OPs at length.

It is submitted by the Ld. Advocate for the petitioner that his petition for impleadment as necessary party was turned down by Ld Arbitrator in the order dt. 27.07.2024 in the arbitration proceeding. The petitioner had to prefer MA Diary no. 29029/2024 in C.A no. 2672/2024 before the Hon'ble Apex Court. His petition was entertained and Hon'ble Apex Court has been pleased to pass order on 30.08.2024 specifically stating in Para no.7 that

“If the applicant-Sunil Anchalia has any grievance, he may seek appropriate relief before the Reference Court. In case the Reference Court is satisfied that his claim is not maintainable, the compensation amount so awarded by the Arbitrator shall be released forthwith to the respondents, in accordance with law. In case the parties raise any other trivial issue, the Reference Court will resolve the same in accordance with law.”

Fortified with the above order passed by Hon'ble Apex Court the petitioner Sunil Anchalia and two others have preferred instant Misc (Arbitration) Case no. 109/2024 under Section 34 of the Arbitration and Conciliation Act against the Arbitral Award dt. 31.08.2024 passed by Ld. sole arbitrator Sri Santosh Kr. Roy.

Ld. Advocate for the OP no.1 to 4 has raised objection in vehemence against proposed admission of instant proceeding. He contended that the petitioner Sunil Anchalia and two others, specifically named therein, have no locus standi to challenge the Arbitral Award dt. 31.08.2024 and that in the previous legal battle their

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stand as to the property under acquisition has already been settled and in all the judgement their claim as to property under question was held inconsistent to their present claim. He further added that if the instant petition is admitted, in any way, his client will be given an opportunity to raise challenge over maintainability of the instant case.

Ld. GP in his submission opposed the impugned Arbitral Award dt. 31.08.2024.

I have heard all sides and also perused the memo of Misc. Arbitration Case and also written objection, filed thereto by the OP no. 1 to 4.

I have also very respectfully gone through the order passed by the Hon'ble Apex Court on 19.02.2024 and 30.08.2024 passed in Civil Appeal no. 2742/2024 and / with M.A Diary no. 29029/2024.

The petitioner Sunil Anchalia and two others have come up before this Court seeking redressal of their grievance under order of Hon'ble Supreme Court.

Perused the order of Hon'ble Supreme Court passed on 30.08.2024 in the afore mentioned reference.

Let the instant Misc. Arbitration Case be admitted provisionally.

Next date be fixed for hearing on the point of maintainability and it's written objection already filed on record.

Fix **19.07.2025** for hearing on the point of maintainability.

Dictated & corrected by me.

District Judge, Birbhum

District Judge, Birbhum
(JO Code-WB00149)