

Misc. Arbitration Case (Commercial)– 05/2024
CNR :WBBD17-000006-2024
JO Code : WB01311

Order No –12

Dated : 11/09/2024

This day is fixed for hearing of the sec. 36 (2) application.

Both sides file hazira.

By order dated 06/08/2024 this Court had imposed cost of Rs.

20,000/- upon the petitioner for unnecessarily seeking adjournment on three consecutive dates.

An application has been filed by the petitioner on 20/08/2024 with a prayer for waiving the cost. The said application has been registered IA no. 04 of 2024.

WO has been filed by the respondent to the said application.

It is submitted by the Ld. Advocate for the petitioner that no adjournment had been taken by the petitioner except on 03/07/2024. She also submitted that she had no knowledge about the date which was fixed on 05/06/2024 as well as the next date which was fixed on 06/06/2024.

She also submitted that the Court order dated 05/08/2024 by which it was made clear that no further adjournment will be allowed on the next date was not available to the petitioner online. Such submission is absolutely not correct as the order on 05/08/2024 was passed in open Court in presence of the Ld. Advocate for the petitioner.

The other reason which has been submitted for seeking adjournment on 06/08/2024 is that the Ld. Advocate for the petitioner was busy in filing another application U/sec. 34 of the A & C Act against an award in between 01/08/2024 & 08/08/2024 and was mentally and physically exhausted.

Such an excuse is absolutely vague and cannot be a ground for securing adjournment in this case.

In the order dated 06/08/2024 elaborate reason has been given for imposing cost of Rs. 20,000/-.

No cogent ground has been made out by the petitioner for recalling

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the said elaborate order. I do not find any merit in the application filed by the petitioner for waiving the cost.

Accordingly, IA no. 04 of 2024 stands rejected.

The petitioner is once again directed to pay the cost in terms of the order dated 06/08/2024 by tomorrow.

To date (11/09/2024).

D/C by me

Judge, Commercial Court
Asansol

Judge, Commercial Court
Asansol

Later

Order No -12

Dated : 11/09/2024

The petitioner files an application for passing necessary order relating to the WO filed by the respondent against the application U/sec.34 of the A & C Act, 1996.

The application has been registered as IA no. 06 of 2024.

The petitioner is directed to serve copy of the application upon the respondent in reply.

D/C by me

Judge, Commercial Court
Asansol

Judge, Commercial Court
Asansol