

Misc. Arbitration Case (Commercial) – 05/2024
CNR No. : WBBD17-000006-2024
J.O. Code : WB01311

Order No. - 23

Dated - 30/06/2025

Today stands fixed for further argument by the respondent.

The petitioner files hazira.

Ld. Advocate for the petitioner is also present.

The respondent seeks adjournment.

The Ld. Advocate on record for the respondent submits that due to unavoidable pending documentation, the respondent is unable to proceed with the argument.

The court is unable to understand as to which documents are being referred to when admittedly the arbitral record is before the court.

Ld. Advocate for the petitioner had concluded her argument on 28/03/2025 and the matter was fixed on 29th & 30th April, 2025 for argument by the respondent.

On the dates fixed the matter had to be adjourned as it was submitted before the court that the Ld. Sr. Counsel for the respondent was ill.

The next dates fixed were on 10/06/2025 & 11/06/2025 and on similar ground the matter had to be adjourned on the prayer of the respondent.

Thus, it is evident from the record that on four consecutive dates the respondent had sought for adjournment.

Today the respondent as once again renewed his prayer for adjournment.

The prayer outrightly ought to have been rejected. However, this court is of the view that a litigant should not be suffer for laches for his / her advocates.

Accordingly, prayer for adjournment is allowed subject to payment of cost of Rs.10,000/- to be deposited by the respondent within a week at the office of the DLSA, Paschim Bardhaman.

Fix 17/07/2025 for argument by the respondent subject to payment of cost as indicated above.

D/C by me.

Judge, Commercial Court
Asansol

Judge, Commercial Court
Asansol