

Misc. Judicial (Arbitration) Case No.26 of 2019

**Present : Smt. S. Nandy Chakrabarti,
District Judge, Cooch Behar (WB00584)**

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25/07/2025

Today is the date fixed for order.

Now, the record is taken up for passing order.

The respondent by filing a petition prays for vacating the order of ex parte hearing on the grounds as stated in the petition.

By filing a written objection, Ld. Advocate for the petitioner prayed for rejection of the said petition for vacating ex parte order on the grounds stated therein.

Heard both sides. Considered.

It appears from the record that the petitioner has filed an application under section 34 of the Arbitration and Conciliation Act, 1996 challenging the legality of the award passed on 22/03/2019 in Arbitration Proceeding Case No. 21 of 2018 by the Sole Arbitrator. It also appears that on 22/04/2024 the case was fixed ex parte against the respondent as none appeared on its behalf to contest the case on above date. Thereafter, on 05/09/2024 the respondent has prayed for vacating the ex parte order by filing a petition. The respondent also filed a reply / written statement to contest the case.

Considering the facts and circumstances of the case, I am of the opinion that as the respondent has filed reply / written objection to contest the case, he should be given opportunity to contest the case. Accordingly, the petition for vacating the ex parte order is allowed subject to payment of cost of Rs.5,000/- payable to the office of DLSA.

Let the order of ex parte hearing against the respondent be vacated.

Reply / written objection filed by the respondent be accepted subject to filing of the money receipt.

Fix **17/09/2025** for filing receipt of payment from the DLSA by the respondent.

Let a copy of this order be forwarded to the Secretary, DLSA for information.

Dictated & corrected,

Sd/-
Judge Claims Tribunal,
Cooch-Behar

Sd/- S.N.Chakrabarti
Judge Claims Tribunal,
Cooch-Behar