

Misc. Case No. 5303 of 2024

Present: Jayashree Banerjee, Chief Judge

Order No. 2 dated 27.09.2024:

The case record is put up today on the basis of an application filed by the petitioner/award debtor.

It is submitted by the Ld. Counsel appearing for the petitioners/award debtors Mr. Dipak Basu that in the unilateral appointment of Arbitrator, Arbitration Proceeding was initiated and concluded. On the basis of such unilateral Award the goods were delivered to the claimant/petitioner by receiver. The instant application has been preferred by the award debtors submitting that no notice was ever received by the award debtors as regard appointment of the Arbitrator and/or initiation of the Arbitration Proceeding. Ld. Counsel therefore prayed for staying of operation of the Award as he apprehends that since the claimant is in possession of the goods the same may be sold on any day.

Having heard the Ld. Counsel appearing for the petitioners/award debtors, this Court is inclined to pass an interim order staying operation of the Award dated 03.09.2024 in any manner whatsoever.

Let a copy of this order be handed over to the Ld. Counsel appearing for the petitioners/award debtors for communication counter signed by the Bench Clerk.

Petitioners are directed to serve copies of all the applications filed in this instant Misc. Case to the Opposite parties/respondents immediately.

Fix 06.11.2024 for contested hearing of the main application, objection, if any, in the meantime and filing of postal receipts and track report showing service upon the respondents.

Dictated & corrected by me:

Chief Judge

Chief Judge

City Civil Court, Calcutta.