

Misc. Arbitration (Commercial) Case No. 02 of 2021

Order No.63

Date:24-06-2025

Today is fixed for hearing.

Both parties take steps and are further duly represented by their respective L d. Counsels.

Ld. Counsel for the petitioner files a petition praying for adjournment on the grounds stated therein.

The prayer is considered and allowed for ends of justice.

Perusal of the case record shows that in the instant case petition under section 34 of the ACA, 1996 was preferred before the Ld. District Judge, Darjeeling on 07.11.2012 without the impugned arbitral award received by the parties from the Ld. Arbitrator.

Hence, let a date be fixed for hearing on the point of legality & validity of the filing itself in light of the observations returned by the **Hon'ble Delhi High Court in Ministry of Youth Affairs & Sports v/s Ernst & Young Pvt. Ltd. Dated 23.08.2023 & Union of India v/s M/s GR-GAWA R (J.V.) dated 24.04.2025.**

Let a short date be fixed for hearing of the matter considering the mandate of the CCA, 2015.

As per verbal request of Ld. Counsels for both parties fix **19.07.2025** hearing on the point of validity of filing.

In default by the petitioner and in absence of Ld. Conducting Counsel for the petitioner this court shall be constrained to consider the matter suo motu and pass order as per law.

Sd/-
(Subhadeep Ray)
Judge, Commercial Court, Siliguri
J.O. Code WB00949