

**Misc. Arbitration (Commercial) 26 of 2024**

**Order No.11**

**Date:23-05-2025**

Today is fixed for hearing of the case.

Both parties take steps and are duly represented by their respective Ld. Counsels.

At this stage Ld. Standing Counsel for the Respondent Union of India Mr. Tridib Saha files a petition under section 151 of the Code of Civil Procedure, 1908 for withdrawal of order no.9 dated 21.04.2025 passed by this court. Other Ld. Standing Counsel for Respondent Union of India Mr. Uday Bhattacharjee files one petition praying for time.

Perused the petition filed by Ld. Standing Counsel Mr. Tridib Saha praying for withdrawal of order dated 21.04.2025. Further perused the time petition filed by the other Ld. Standing Counsel Mr. Uday Bhattacharjee. Lastly, perused all previous order sheets passed by this court.

On such perusal it clearly transpires that there exists a potent confusion as regards representation of the sole respondent Union of India in the instant matter before this court. As this is not an issue that merits an address by the court, sole respondent Union of India is hereby directed to clear the air in this regard positively on the next date. Petition filed by Ld. Standing Counsel in this regard this day under section 151 of the Code of Civil Procedure, 1908 is found untenable in the eye of law and hence the same **stands rejected**.

Let it be noted herein for future reference that vakalatnama filed by Ld. Standing Counsel Mr. Tridib Saha as also the written objection filed by him in this case have already been accepted by this court vide its order dated 01.03.2025.

In view of the fact that the sole respondent Union of India is represented today by its Ld. Standing Counsel who has filed written objection in the matter, time petition preferred by the other Ld. Standing Counsel Mr. Uday Bhattacharjee is also found untenable in the eye of law and hence, the same also **stands rejected**.

Sole respondent is directed to clarify as mentioned above.

Accordingly, instant matter stands disposed.

Now, further perusal of the case record reveals that instant petition under section 34 of the ACA, 1996 was filed before the present forum on 11.09.2024 without the original signed copy of the arbitral award without assigning any reasons for the same.

Hence, 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 date be fixed up for determining the validity of the filing itself.

Fix **23.06.2025** for hearing on validity of filing of the present petition.

Sd/-  
Judge, Commercial Court,  
Siliguri