

Misc. Case No. 251 of 2025
CNR No.WBHW01 004967 2025
Present: Abhijit Som
District Judge, Howrah.
J.O. Code – WB01127

Order No. 02 dated 22.09.2025.

The record is put up on prayer.

An application under Section 9 of the Arbitration & Conciliation Act, 1996 is taking up for hearing.

Heard the learned Advocate on behalf of the petitioners.

It is submitted that there was an agreement for development in between the petitioners and the opposite parties. It is also submitted that the petitioners being the land owners not only executed a development agreement but also have given a power of attorney in favour of the developers/opposite parties. The development agreement includes an arbitration clause which states that in case of dispute between the parties concerning the property or arising out of the agreement that shall be dissolved by mutual discussion, failing which, the same shall be referred to the Arbitration. It is submitted before this Court that notice has been sent to the opposite parties suggesting the name of the Arbitrator since the petitioners are going to refer the dispute to the Arbitration. Now, it is the allegation of the petitioners that the developers have not yet made any attempt to get the building plan sanction from the competent authority. The petitioners got to know the same on receipt of the reply of an application of RTI. Moreover, it is alleged by the petitioners that the opposite parties including the promoter/developer has shown no interest to develop the property and hand over the same within the stipulated time. Hence, the petitioners seek for an order of injunction by way of interim measure.

Having considered all aspects, the interim relief in terms of Section 9 of Arbitration & Conciliation Act is granted. The interim injunction as prayed for by the petitioners is allowed to the effect that the opposite parties are hereby restrained from creating any third party interest in respect of the property under agreement by way of alienation or transfer.

The petitioners are directed to serve copy of the order along with the application and annexed documents through registered post and to file an affidavit of compliance to that effect by tomorrow.

Contd...

Petitioners are directed to file requisites at once for issuance of notice upon the opposite parties.

To date.

Dictated and corrected by me.

D. J.

District Judge, Howrah.