

Misc Arb (Com) –18 /2025

**Present :: Smt. Ishani Chakravarty Banerjee (J.O Code.WB00890)
Judge, Commercial Court at Rajarhat
North 24 Parganas.**

CNR: WBNP19-000043-2025

**06
12.06.2025**

Today is fixed for filing DCF (to be paid by the respondent in respect to the affidavit of competency).

The learned Advocate for the petitioner appears and files hazira along with an extension petition supported by an affidavit praying for extension of ad-interim order which stood in force till today. Copy served.

The learned Advocate for the respondent appears and files hazira along with deficit Court fees of Rs. 10/- in compliance with the order dated 02.06.2025 as well as an application under Section 151 of the CPC supported by an affidavit and the statement of truth and enclosures, praying for not to extend the ad-interim order dated 25.04.2025 or pass any order as the learned Court may deem fit and proper.

Heard the learned Advocates for the petitioner and the respondent.

The learned Advocate for the respondent strongly opposes the extension of the *ad-interim* order. On the other hand, the learned Advocate for the petitioner submits that the application under Section 151 CPC was served only today and seeks time to peruse the same and file a written objection. He further submits that sufficient time is required to respond to the allegations made by the respondent.

The learned Advocate for the petitioner also submits that steps have already been taken for the appointment of an arbitrator under the statutory provisions. He further states that the petitioner has served notice under Section 21 of the Arbitration and Conciliation Act, 1996. Admittedly, the learned Advocate for the respondent submits that a necessary reply has already been given to the Section 21 notice. Now, according to him, the petitioner should proceed before the appropriate forum under Section 11 of the said Act.

The learned Advocate for the respondent, however, presses for an early date of hearing.

This Court is already operating under specific directions of the Hon'ble High Court in various matters with fixed time frames. Hence, an early date

cannot be fixed. It is also noted that other applications under Section 9 of the Arbitration and Conciliation Act, 1996, arising from similar or connected facts and circumstances, and involving identical or substantially overlapping issues of fact and law, are pending between the same parties and fixed 24.07.2025 for hearing.

Considering the submissions of both sides, this Court is of the view that the petitioner should be granted also an opportunity to file a written objection to the application under Section 151 of the CPC filed by the respondent.

Fix 24.07.2025 for hearing of the application under Section 151 of the CPC filed by the respondent.

Let the ad-interim order be extended till 24.07.2025.

The petitioner is at liberty to file written objection, if any in the meantime.

Sd/- Ishani Chakravarty Banerjee
Judge
Commercial Court,
Rajarhat, North 24 Parganas