

Misc Arb (Com) –18/2026
Motilal Madhogarhia Vs M/S. Wellington Hardware Stores & Ors

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

CNR: WBNP19-000046-2026

04
09.06.2026

1. Today is fixed for SR/AD and appearance.
2. The petitioner takes no steps. None appears for the petitioner despite repeated calls.
3. The learned Advocate for respondent nos. 3 to 6 appears by filing a fresh Vakalatnama without complying with the mandatory requirement of e-filing the same and files an adjournment petition praying for time to file written objection to the applications. The learned Advocate for respondent nos. 3 to 6 further verbally prays for leave to e-file the Vakalatnama, as he does not presently possess the requisite authentication ID for e-filing. Since the Vakalatnama filed today has not yet been e-filed in accordance with the mandatory online filing procedure, respondent nos. 3 to 6 are directed to comply with the e-filing requirements and e-file the same within 15 (fifteen) days from today. Failing such compliance, the Vakalatnama shall not be deemed to have been filed under any circumstances.
4. The learned Advocate for respondent no. 7 appears by filing a fresh Vakalatnama without complying with the mandatory requirement of e-filing the same and files hazira along with an adjournment petition praying for time to file written objection to the application under Section 34 of the Arbitration and Conciliation Act, 1996. The learned Advocate for respondent no. 7 further verbally prays for leave to e-file the Vakalatnama, citing technical difficulties encountered in the process of e-filing. Since the Vakalatnama filed today has not yet been e-filed in accordance with the mandatory online filing procedure, respondent no. 7 is directed to comply with the e-filing requirements and e-file the same within 15 (fifteen) days from today. Failing such compliance, the Vakalatnama shall not be deemed to have been filed under any circumstances.
5. It is submitted by the learned Advocate for respondent no. 7 that respondent no. 7 has not received the application under Section 36(2) read with Section

36(3) of the Arbitration and Conciliation Act, 1996, registered as **I.A. No. 02 of 2026**. The record reveals that, in terms of the order dated 02.06.2026, a direction was issued to the petitioner to serve a copy of the said application upon the respondents.

6. Fix **15.06.2026** for further consideration.

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

Later order dated 09.06.2026

7. After passing the above order, the learned Advocate for the petitioner appears and files hazira along with an affidavit of service in compliance with the earlier order dated 02.06.2026. The affidavit of service reveals that service upon respondent nos. 1, 2, 7 and 8 could not be effected. It is now 12:10 P.M.
8. Heard the learned Advocate for the petitioner, who presses for hearing of the application under Section 36(2) read with Section 36(3) of the Arbitration and Conciliation Act, 1996, on an urgent basis. As the learned Advocates for some of the respondents nos. 3 to 6 and 7 who appeared today have already left the court premises, let the matter be heard on 15.6.2026. The respondents are at liberty to file their written objection in the meanwhile. The petitioner is directed to serve the copy of the application under Section 36(2) read with Section 36(3) of the Arbitration and Conciliation Act, 1996, registered as I.A. No. 02 of 2026 to the learned Advocate for the respondent nos. 7 by 11.07.2026.
9. To date (**15.06.2026**) for hearing of the application under Section 36(2) read with Section 36(3) of the Arbitration and Conciliation Act, 1996.

Dictated & Corrected by me

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

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Judge
Commercial Court, Rajarhat,
North 24 Parganas