

IN THE COURT OF DISTRICT JUDGE,

SOUTH 24-PARGANAS AT ALIPORE

Misc. Case (Arb.) No. 08 of 2026

Present : Smt. Monikuntala Roy (WB01088) District Judge-in-charge,

Order No. 02, dated 02.03.2026

The record is taken up today at the instance of a put-up petition filed on behalf of the petitioner.

D.C.F is paid.

Respondent enters appearance through his Ld. Advocate, who files Vakalatnama. Let the Vakalatnama be accepted and kept with the record.

Ld. Advocate for the petitioner submits that the instant Misc. Case has been filed for setting aside of the Arbitral Award dated 10th December, 2025, passed by the Ld. Sole Arbitrator, Mr. Tushar Suman Thaker, in Arbitration Matter No. NSE-SB-2025-05-212396.

Ld. Advocate for the respondent submits that soft copies of the Misc. Case were sent to the respondent, however, the same was not readable. Ld. Advocate, thus, prays for an order directing the petitioner to serve physical copies of the instant Misc. Case and also seeks adjournement to file Written Objection.

Per contra, Ld. Advocate for the petitioner has relied upon a catena of decisions, being **Morgan Stanley Mutual Fund Vs. Kartick Das** reported in **(1994) 4 SCC 225, 1999 AIR (SC) 1484, C. Muttu Vs. Bharath Match Works** reported in **1963 SCC Online Kar 88**, an order of the Hon'ble High Court at Calcutta passed in C.O. No. 1776 of 2010, 2022, **Prabir Kumar Talukdar Vs. West Bengal Housing Infrastructure Development Corporation Ltd. and Ors.** reported in **2022 (2) Cal It 320, Damodar Valley Corporation Vs. Reliance Infrastructure Ltd.** reported in **2021 SCC Online Cal 3065, Balmer Lawrie & Co. Ltd. Vs. Shilpi Engineering Pvt. Ltd.** reported in **2024 SCC Online Bom 758**

Kotak Securities Ltd. Vs. Sherrie Rebello [Commerical Arbitration Petition (Lodging) No. 33796 of 2025], and states that the respondent did not file a Caveat in the instant case, rather it is the petitioner that served the soft copies of the instant Misc. Case upon the respondent on good bonafides. Ld. Advocate further submits that the principles of natural justice must not eclipse the exigency of a petitioner seeking interim relief especially when the principles of natural justice may render the prayer of the petitioner infructuous.

Heard the submissions made on behalf of both sides.

Perused the record and the materials on record.

Upon hearing the submissions made by Ld. Advocates for both parties, it appears that the instant Misc. Case has been filed for setting aside of the Arbitral Award dated 10th December, 2025. Today, when the respondent has already entered appearance, this Court is of the opinion that the respondent must be afforded an opportunity of filing Written Objection. *Pari Passu*, it is also evident that there is urgency in the matter and, as such, this Court is of the view that a short date may be fixed given the exigency expressed by the Ld. Advocate for the petitioner.

For the ends of justice, the hearing be adjourned today.

Copies of the instant Misc. Case have been served upon the Ld. Advocate appearing for the respondent in open Court today. Necessary objection has also been endorsed.

Fix **06.03.2026** for hearing of the application for stay.

W/O, if any, in the meantime.

Dictated & corrected by me

Sd/- Smt. Monikuntala Roy

District Judge, I/c

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