

**Present: Sri Utpal Misra (JO Code:WB00659)**  
**Judge, Commercial Court at Alipore**  
**Misc Case (Arbitration) 33 of 2022**  
**CNR. No.WBSP18-000082-2022**

Order No. 12  
24.07.2023

In the matter of:  
An application under  
Section 34 of the  
Arbitration and  
Conciliation Act, 1996.  
And

In the matter of:  
Mackintosh Burn Ltd.  
Vs.

In the matter of:  
State of West Bengal.

**ORDERED**

*Today is fixed for filing written objection by the Defendants positively to the injunction Application being I.A No. 02 hearing of the instant Misc Case on behalf of the petitioner in connection with the application under Section 34 of the Arbitration and Conciliation Act, 1996.*

*Both parties have filed their respective haziras.*

*At the time of hearing, Ld. Lawyer for the petitioner of the instant Misc Case submits before this Court that another Misc Case (Misc Case Arbitration being No.47/2022) is pending for adjudication before this Court in which the State of West Bengal is the petitioner and the petitioner in the instant case is the Opposite Party.*

*So, both the instant Misc Arbitration Cases have been filed by the respective parties challenging the same award. So, for better appreciation of the facts as well as proper adjudication both these two misc cases i.e., Misc Case Arbitration No. 33/2022 and Misc Case Arbitration No. 47/2022 be heard analogously.*

*Ld. Lawyer for the respondent has also acceded with the proposal of the Ld. Lawyer for the petitioner of the instant Misc Case.*

*So, considering all, this Court is of the view that both the two Misc Cases i.e., Misc Case Arbitration No. 33/2022 and Misc Case Arbitration No. 47/2022 be heard analogously for convenience of proper appreciation for facts as well as adjudication.*

*Fix **22.08.2023 at 10:30 a.m** for case management hearing of the instant Misc Case. Accordingly, schedule of the instant Misc Case fixed earlier is hereby stands cancelled.*

*Both parties are to act on the basis of the downloaded copy of the ordersheet from the Web-site / Ecourts-app.*

*Dictated & corrected by me,*

*Sd/-*

*Judge, Commercial Court at Alipore  
For districts of South 24 Parganas, Purba Medinipur,  
Paschim Medinipur & Jhargram*

*Sd/-*

*Judge, Commercial Court at Alipore  
For districts of South 24 Parganas, Purba Medinipur,  
Paschim Medinipur & Jhargram*