

Present: Smt. Suparna Ray (JO Code:WB00711)
Judge, Commercial Court at Alipore
Misc Arb (Com) 45 of 2025
CNR No. WBSP18-000137-2025

Order No. 02

Date: 18.09.2025

In the matter of:

An application under Section 37 of the Arbitration and Conciliation Act, 1996.

AND

In the matter of:

Singhania Buildcone Private Limited & Anr.

Vs.

Merlin Projects Private Limited & Anr.

Order

The instant matter is taken on today's board by strength of a petition filed by the petitioners whereby the petitioners intend to move the applications being I.A. no. 01 of 2025 and I.A. no. 02 of 2025.

It is pleaded in the aforesaid applications that in the cause title of the stay application as well as in the original Section 37 application, the name of the respondent no. 1 has wrongly been typed as "Merlin Projects Private Limited" instead of "Merlin Projects Limited". It is further contended that the aforesaid mistake has been made unintentionally and if the same be corrected, this will not change the nature and character of the instant appeal.

In respect of above, petitioners have enumerated respective schedules in the foresaid applications.

Heard.

Upon perusal of the applications aforesaid, it appears that in the cause title of both the stay application and the application filed under Section 37 of the Arbitration and Conciliation Act, 1996, the name of the respondent no. 1 has been wrongly typed as "Merlin Projects Private Limited" instead of "Merlin Projects Limited". However, on bare perusal of the pleadings in context, it appears that indeed, the respondent no. 1 will be "Merlin Projects Limited" instead of "Merlin Projects Private Limited". Therefore, it is to be imbibed that such typographical

mistake is unintentional and if the necessary correction be made, this will not change the nature and character of the appeal in context. Such rectification is also necessary for proper adjudication also. Moreover, this is the initial stage of the proceedings and none of the respondents appeared and even no notice / summons was issued by the petitioner upon the respondent till date.

Therefore, in view of above context, let the name of the respondent no. 1 be amended/corrected in the cause title of both the stay application as well as in the application under Section 37 appeal accordingly, as per prayer of the petitioner mentioned in the respective schedules as enumerated in the instant applications.

Concerned bench clerk is hereby directed to do needful.

Accordingly, the I.A. No. 02 of 2025 and I.A. No. 03 of 2025 are hereby **disposed off**.

Petitioner is to file amended copy of the stay application and the amended copy of the application of appeal under section 37 of Arbitration and Conciliation Act on 28.10.25 at 11.00 a.m.

Petitioner is directed to serve the corrected copy of both the applications upon the respondents in respect of summons.

To date, i.e., 28.10.25 to 11.00 a.m. for further order.

Parties to act on the basis of downloaded copy of this Order from the Website/E-courts App.

Dictated and corrected by me

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram