08.6.2026
Ct. no. 6
M/L. 10
Samarpita

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
(Appellate Side)

C.O. 1633 of 2026

Goutam Roy
-Vs-
Todi Investor (India) Pvt. Ltd.

Mr. Rishad Medora,
Mr. Vivek Basu,
Mr. Aranyak Saha
...for the petitioner.

1. This revsional application assails an order dated March 20, 2026, passed by the learned arbitrator in an arbitration proceeding between the petitioner and the opposite party, whereby, the petitioner's application under Section 16 of the Arbitration and Conciliation Act, 1996, has been rejected.

2. Mr. Medora, learned Advocate appearing for the petitioner, cites a judgement of a Co-ordinate Bench of this Court in the case of ***M.D. Creations and Ors.-Vs.- Ashok Kumar Gupta*** reported in ***2023 SCC OnLine Cal 1419*** to submit that notwithstanding the fact that an order rejecting a challenge to the jurisdiction of the arbitrator under Section 16 of the 1996 Act, being assailable under Section 37 of the 1996 Act, an application under Article 227 of the Constitution of India

can still be maintained if patent lack of inherent jurisdiction is demonstrated.

3. Mr. Medora, learned advocate appearing for the petitioner submits that in the present case the arbitrator has been unilaterally appointed and as such the arbitrator lacks jurisdiction inherently.

4. Let a copy of this application be served upon the opposite party, intimating that the matter shall be taken up next on **June 16, 2026** under the heading i.e. **"Upgraded Motion"**.

(Om Narayan Rai, J.)