

D/L
Item No. 04
26.08.2025
KOLE
266301

**AO-COM 31 of 2025
With
CAN 1 of 2025**

**M/s. Prime Projects
-Vs.-
Prajnanananda Jana Seva Sangha & Anr.**

*Mr. Chayan Gupta,
Mr. S. Banerjee,
Ms. S. Sinha,
Mr. S. K. Banerjee,*

...for the appellant.

*Mr. Tanmoy Mukherjee,
Mr. Rahul Karmakar,
Mr. S. Das,
Mr. R. Das,*

...for the respondent No. 1.

*Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta,
Mr. A. Chatterjee,*

...for the respondent no. 2.

This appeal is directed against an order dated August 4, 2025, whereby the learned Judge, Commercial Court at Rajarhat, North 24 Parganas vacated an *ex parte ad interim* order of injunction that was passed earlier in Misc. Arb. (Com) 28 of 2025.

The appellant/petitioner filed an application under Section 9 of the Arbitration and Conciliation Act, 1996, claiming that the respondents were seeking to act in breach of a joint venture agreement. The agreement contains an arbitration clause for resolution of disputes between the parties. On that basis the appellant had moved the learned Trial Court *ex parte* and had obtained an *ad interim* order.

On the returnable date, the respondents were represented through learned Advocates. Upon hearing both the sides, the learned Trial Judge concluded that the joint venture agreement not having been registered, it could confer no right on the appellant/petitioner, that it was an illegal document and that it could not be enforced. Since no final relief could be obtained by the petitioner on the basis of such document, it is also not entitled to any *interim* relief.

Being aggrieved the petitioner is before us by way of this appeal.

We have heard learned Counsel for the parties at some length.

List the matter once again on 02.09.2025 for further hearing marked 12.30 p.m.

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)