



IN THE HIGH COURT AT CALCUTTA  
COMMERCIAL DIVISION  
ORIGINAL SIDE

AP-COM/245/2024

IA NO: GA/1/2022

KESSELS ENGINEERING WORKS PVT. LTD.  
VS  
NEO METALICKS LIMITED

**WITH**

EC/143/2021

NEO METALIKS LTD.  
VS  
KESSELS ENGINEERING WORKS PVT. LTD.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 12<sup>th</sup> December, 2025.

Appearance:

*Mr. Pradeep Chhindra, Adv.(vc)*  
*...for Petitioner/Kessels Engineering.*

*Mr. Pranit Bag, Adv.*  
*Mr. Dhruv Chadha, Adv.*  
*Mr. Sidhartha Sharma, Adv.*  
*Mr. Rishav Dutt, Adv.*  
*Ms. Patrali Ganguly, Adv.*  
*..for Neo Metaliks.*

The Court: The petitioner in the application under Section 34 of the Arbitration and Conciliation Act, 1996 has already been heard at length.

However, after commencement of the submissions of the respondent in the said application, during arguments, learned Counsel appearing for the claimant/respondent seeks to place reliance on an order passed by the High Court at Delhi in connection with an application under Section 14, read with Section 18, of the Arbitration and Conciliation Act, 1996.



Upon perusal of the same, a question is raised by the Court as to whether the bar under Section 42 of 1996 Act would be attracted, in view of the jurisdiction of the Delhi High Court having been invoked earlier and in view of the relevant arbitration clause in the agreement between the parties designating both Delhi and Kolkata as the “place of arbitration”, and consequentially, whether the applications under Section 34 as well as Section 36 of the 1996 Act would be maintainable before this Court.

Since the jurisdictional issue hits at the very root of the maintainability, upon consultation with learned Counsel, the Court decides to hear the jurisdiction point first and thereafter proceed to decide on the merits of the matter.

Accordingly, to enable learned Counsel to prepare themselves on the jurisdiction issue, the matter is adjourned for hearing on such issue first till December 19, 2025, when it will next be listed under the same heading, to be taken up at 10:30 a.m.

(SABYASACHI BHATTACHARYYA, J.)