ORDER OCD-30

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/1/2025
In AP-COM/214/2024
SHASHANK KOCHER AND ANR.
Vs
RAJEEV MAHESHWARI AND ORS

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: February 24, 2026.

Appearance:-
Mr. Rudraman Bhattacharya, Sr. Adv.
Mr. Soumyajit Mishra, Adv.
Mr. Sarosij Dasgupta, Adv.
...for intervenor.

Ms. Joyshree Ghosh, Adv.
...for respondent Nos. 1 to 3.

GA-COM/1/2025

The present application has been filed by Shree Hanuman Properties and Finance Private Ltd. seeking deletion of the names of the petitioners from the array of parties and substitution of the applicant in their place. The applicant has further prayed for deletion of the names of respondent Nos.4 and 5 from the present proceedings.

The petitioners in the present proceedings challenged the arbitral award dated 28.01.2020 passed by the learned arbitrator under Section 30 of the Arbitration and Conciliation Act, 1940. It is the contention of the learned counsel appearing for the applicant that during the pendency of the present proceedings, the petitioners and respondent Nos.4 and 5 entered into a Deed of Conveyance-cum-Transfer/Assignment dated 12.08.2025 with the applicant,

whereby the petitioners and respondent Nos.4 and 5 transferred, sold and assigned their 50% share and interest in all assets, properties and liabilities of Bharat Industries and Commercial Corporation (since dissolved) along with all claims, entitlements, rights and remedies in legal proceedings, as specifically enumerated in Schedule 2 therein, including the present proceedings, in favour of the applicant. It was further expressly agreed in the said deed of conveyance cum transfer assignment that the petitioners and respondent Nos.4 and 5 shall have no subsisting right, title, interest or connection, nor any right to pursue any legal proceedings whatsoever including the instant proceedings.

In view of the aforesaid deed of conveyance cum transfer assignment, the applicant has stepped into the shoes of the petitioners and accordingly seeks substitution of its name in place of the petitioners and deletion of the names of respondent Nos.4 and 5 from the array of parties in the present proceedings.

Learned counsel for the non applicant submits that they have no objection to the present application.

This Court has considered the application, the submissions advanced by the parties and the materials placed on record. It is not in dispute that during the pendency of the present proceedings, the petitioners and the respondent Nos.4 and 5 executed the deed of conveyance cum transfer assignment dated 12.08.2025 in favour of the applicant, whereby they transferred and assigned their duties, right, title, interest and claims in respect of the subject matter of the present proceedings including the right to prosecute the same. The said deed specifically records that the petitioners and respondent Nos.4 and 5 shall

have no subsisting right, title or authority to continue or pursue any legal proceedings, including the present proceedings. In view of the complete devolution of interest, the applicant has lawfully stepped into the shoes of the petitioners. Such substitution is permissible in law, particularly in the light of the provisions in Order XXII Rule 10 read with 146 of the Civil Procedure Code, 1908 and is necessary for effective and complete adjudication of the issues in question. No prejudice will be caused to any of the remaining parties by allowing such substitution.

Accordingly, the present application is allowed. The applicant Shree Hanuman Properties and Finance Private Ltd. is substituted in place of the petitioners and the names of the respondent Nos.4 and 5 are deleted from the array of parties. The cause title shall be amended accordingly within a period of four weeks. In view of the application being allowed, the prayers of the applicant in prayers (d), (e), (f) and (g) are granted.

With the above observations, the present application stands disposed of.

This Court vide order dated 4th February, 2026 had directed the Registrar, Original Side to file a report after conducting an inquiry as to whether volume No.2 of the present petition could be traced. A report has been filed by the Registrar. The report indicates that the volume no.2 has been misplaced and an unconditional apology has been tendered by the Registrar, Original Side, though it is stated that efforts will continue to trace the misplaced volume. The unconditional apology is accepted. The learned counsel for the petitioner shall reconstruct the file in coordination with the department and the same shall be

placed on record on the next date of hearing. The reconstruction shall be completed within a period of four weeks.

Let this matter be listed after six weeks.

(GAURANG KANTH, J.)

R. D. Barua