



IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

APOT/160/2025
WITH
EC-COM/9/2025
IA NO: GA-COM/1/2025

ALOK SARAF AND ORS
VS
SHYAM SUNDAR NANGALIA AND ORS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE RAI CHATTOPADHYAY
Date : June 16, 2025.

Appearance:

*Mr. Jishnu Saha, Sr. Adv.
Mr. Surendra Dube, Adv.
Mr. Ishan Saha, Adv.
Mr. Ramendu Agarwal, Adv.
Ms. Rishika Goyal, Adv.
...for the appellants.*

*Mrs. Amita Panja Moulick, Adv.
Mr. Saptarshi Banerjee, Adv.
Mr. Siddhartha Banerjee, Adv.
Ms. Shivangi Agarwal, Adv.
...for the respondents.*

Dictated by Arijit Banerjee, J.

The Court: Affidavit of service filed in Court today be kept with the records.

This appeal is directed against a judgment and order dated May 20, 2025, whereby the execution application of the appellants being EC-COM No. 9 of 2025 was dismissed by a learned Judge of this Court.



In short, the material facts appear to be that business disputes arose between the parties hereto. The parties entered into a mediation agreement. According to the appellants, a settlement agreement was arrived at before the mediator. The same is deemed to be an award under the Arbitration and Conciliation Act, 1996. Accordingly, the appellants put the award in execution by filing the aforesaid execution application.

It appears that the settlement agreement contained a clause for resolution of disputes arising out of the settlement agreement through arbitration. Noting the same, the learned Single Judge has held that in view of such clause, no final award can be said to be in existence which can be enforced by way of execution. Accordingly, the appellants' application was dismissed. Hence this appeal.

We propose to hear out the appeal. We are told that all papers that were available before the learned Single Judge are before us as annexures to the stay petition. The stay petition shall be treated as an informal paper book. All formalities are dispensed with. Since the respondent nos. 1, 2, 3 and 6 are represented through learned counsel, notice of appeal is deemed to be waived by those respondents. Let the appellants serve notices on the other respondents intimating that this appeal will be listed for hearing on June 23, 2025 under the appropriate heading amongst the first three items.

Learned Advocate for the appearing respondents takes the point of maintainability of the appeal. The same shall be considered on the next date.

The stay application stands disposed of.



Leave is granted to the appellants to file a certified copy of the impugned order in Court today.

(ARIJIT BANERJEE, J.)

(RAI CHATTOPADHYAY, J.)

KB
AR (CR)