

OCD-15

AP/272/2023
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

INDIA TYRE AND RUBBER COMPANY LIMITED
Versus
EUREKA CONVEYOR BELTINGS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : June 23, 2023.

Appearance:
Mr. Chayan Gupta, Adv.
Mr. Soham Sanyal, Adv.
Mr. Soumyajyoti Nandy, Adv.
Mr. Deepankar Thakur, Adv.
...for the petitioner

The Court: The petitioner seeks setting aside of an Award dated 31st January, 2023 passed by the Facilitation Council under the MSME Act, 2006. The petitioner is the buyer and the supplier/respondent made a reference to the Council under Section 18(1) of the MSME Act.

Learned counsel appearing for the petitioner submits that the Award is against the fundamental policy of Indian law as the agreement between the parties contains a specific clause conferring jurisdiction on the Courts in Kolkata. Counsel submits that the arbitration clause in the agreement for sourcing goods dated 2nd September, 2010 also provided for a Kolkata venue.

It is submitted that the respondent is based in Kota, Rajasthan.

Although the entire contention raised on behalf of the petitioner for setting aside of the impugned Award is arguable, including under the provisions of the MSME Act, the petitioner will be heard on 12th July, 2023 but only in the presence of counsel representing the respondent.

Service again in the meantime.

(MOUSHUMI BHATTACHARYA, J.)

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