

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/1017/2025

PRAHLAD CHAND AGARWAL AND ANR
VS
SKDJ SKY HEIGHT LLP AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH
Date : 28th January, 2026.

Appearance

*Mr. Swatarup Banerjee, Adv.
Mr. Shankharit Chakraborty, Adv.
Mr. Deep Basu Mullick, Adv.
...for the petitioners*

*Mr. Jishnu Saha, Sr. Adv.
Mr. Rajarshi Banerjee, Adv.
Ms. Surnajana Chatterjee, Adv.
...for the respondent nos.1 to 12*

*Mr. Rajarshi Dutta, Adv.
Mr. Syed Moyeenul Arefin, Adv.
...for the respondent nos.13 to 16*

The Court:- The petitioners have preferred the present petition under Section 9 of the Arbitration and Conciliation Act, 1996, seeking interim measures as prayed for in the petition, inter alia, for an order restraining the respondents, their men, agent and assignee from dealing with disposing of alienating, transferring, encumbering or otherwise creating any third party right, title or interest in respect of the immovable property situated at 125 B Buroshibtala Main Road, Kolkata 700038, P.S- Behala belonging to respondent no. 1. The Petitioners further pray for appointment of a Receiver to take actual physical possession of the aforesaid immovable property and to keep the same in the custody of the Receiver. The Petitioners also seek appointment of a Receiver to take possession and control of the bank

accounts of the limited liability partnership, namely, SKDJ SKY HEIGHT LLP.

It is the case of the Petitioners that Respondent Nos. 2 to 16, acting in collusion with one another, forged the signatures of the Petitioners and fabricated documents falsely purporting to show that the Petitioners had resigned from the company of Respondent No. 1 by way of an alleged resignation letter dated 28.09.2015. Pursuant thereto, the said Respondents fraudulently constituted a limited liability partnership on 29.09.2015, wherein the Petitioners were falsely depicted as outgoing partners.

Learned Counsel appearing for the Petitioners further submits that the Respondents, in furtherance of the said conspiracy, illegally uploaded statutory forms on the MCA portal bearing the alleged forged signatures of the Petitioners. It is further alleged that the Respondents are presently attempting to develop a new project on the land owned by the said limited liability partnership.

The aforesaid acts and circumstances came to the knowledge of the Petitioners only on 20.11.2025, whereupon the Petitioners invoked the arbitration clause contained in the agreement dated 29.09.2015.

Learned Counsel for the Petitioners submits that, at this stage, as an interim measure, the original documents containing the alleged forged signatures be forwarded to an appropriate Government agency for the purpose of handwriting verification.

Learned Counsel appearing for the Respondents submits that the Petitioner had voluntarily exited from the limited liability partnership.

Learned Senior Counsel for the Respondents further submits that the Petitioner has approached this Hon'ble Court with unclean hands, having

deliberately suppressed the material facts that the Petitioner had voluntarily exited from the limited liability partnership and had received adequate consideration in that regard. The said allegations are, however, specifically denied by the Petitioner.

Learned Senior Counsel for the Respondents further contends that the parties have been litigating before various forums and that the Petitioner was well aware, since the year 2015, that he was no longer a shareholder of the limited liability partnership. It is further contended that the present petition is barred by limitation and has been filed after an inordinate delay of nearly a decade, solely with the intent to stall the project conceived by the said limited liability partnership.

Considering the controversy involved the present matter, this Court is of the opinion that this matter can be decided only on exchange of affidavits. The respondents are granted two weeks' time to file their affidavits-in-opposition; reply to the same, if any, within one week thereafter.

List the matter on 24th February, 2026.

(GAURANG KANTH, J.)