

O-11 & 21

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

AP/864/2023

COGNITION PROJECTS PVT LTD.
VS
LAKHOTIA INFRA TECHNOLOGIES PVT LTD.

And

AP/858/2023

COGNITION PROJECTS PRIVATE LIMITED
VS
LAKHOTIA INFRA TECHNOLOGIES PVT LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 8th January, 2024.

Appearance:
Mr. Anubhav Sinha, Adv.
...for the petitioner

Mr. Varun Kothari, Adv.
...for the respondent

The Court: The applications relate to stay and setting aside of the award dated 16th December, 2022. The two points raised on behalf of the respondent/award-holder is that the cause title should be amended in accordance with the names of the respondent before the MSME Council. The second point is that the dispute is of a Commercial nature and falls under Section 2(1)(c)(vi) of the Commercial Courts Act, 2015 since the subject matter is in the form of a construction contract.

The Department will accordingly take steps to list this matter before the Commercial Division of this Court and the Advocate-on-Record of the petitioner will have the cause title amended in the appropriate manner. The points with regard to requirement of the award-debtor filing 75% of the awarded amount under Section 19 of the MSMED Act, 2006 will be considered once the Court hears the matter in the Commercial Division.

Liberty to mention.

(MOUSHUMI BHATTACHARYA, J.)