

GAHC010008312023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/24/2023

DEBARSHI BHATTACHARJEE
S/O- LATE BIRESWAR BHATTACHARGEE, R/O- VILL- RED CROSS ROAD,
KARIMGANJ P.O, P.S AND DIST- KARIMGANJ, ASSAM, PIN- 788710.

VERSUS

BHARATI TELE VENTURE LTD AND ANR
A COMPANY REGD UNDER COMPANIES ACT, HAVING ITS REGD OFFICE
AT H5/12 QUTAB AMBIENCE, QUTAB MINAR, MEHRAULI ROAD, NEW
DELHI- 110030

2:MANAGING DIRECTOR
M/S BHARATI TELE VENTURE LTD
HAVING ITS REGD OFFICE AT H5/12 QUTAB AMBIENCE
QUTAB MINAR
MEHRAULI ROAD
NEW DELHI- 11003

Advocate for the petitioner(s): Mr. A K Purkayastha

Advocate for the respondent(s): Mr. J Roy, Senior Advocate

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

26.06.2024

This is an application under Article 227 of the Constitution challenging the order dated 17.12.2022 passed by the learned Arbitrator in Arbitration Case No.1/2009.

2. I have heard Mr. AK Purkayastha, the learned counsel appearing on behalf of the petitioner. Also heard Mr. J Roy, the learned senior counsel appearing on behalf of the respondent.

3. This Court duly takes note of the contents of the order dated 17.12.2022 whereby the learned Arbitrator had granted the claimant a last opportunity to submit the documents, taking into account that the Arbitration Proceedings has been pending for the last two years, thereby fixing 18.01.2023 for submission of the written statement of defense by the respondent.

4. This Court upon perusal of the impugned order does not find that the said order suffers from any perversity which would shock the judicial conscience of this Court to entertain a proceeding under Article 227 of the Constitution. Moreover, taking into account Section 5 of the Arbitration and Conciliation Act, 1996 (for short, the Act of 1996) any judicial interference with an ongoing arbitration proceedings, is against the very object behind the enactment of the Act of 1996, sans any perversity.

5. Under such circumstances, the instant proceedings stands dismissed.

6. The records which have been called for be forthwith returned to the learned Arbitrator.

JUDGE

Comparing Assistant