

20/10/2020
Item No.3 D/L
AB

Through Video Conference

**FMAT 383 of 2020
With
I.A. No.CAN/1/2020
I.A. No.CAN/2/2020**

**Smt. Sujata Sarkar (nee Dey)
Vs
Shri Partha Das & Anr.**

Mr. Ganesh Manna ...for the Appellant.

Mr. Shuvasish Sengupta,
Mr. Soumyajit Mishra ...for the Respd. No.1.

Mr. Ritesh Kr. Ganguly ...for the Respondents.

By consent of the parties, the appeal and the applications are treated as on day's list and disposed of by this common order.

The dispute is between the partners in relation to the running of a foreign liquor shop. The petitioner no.1 is claimed to be the licence holder. The respondent nos.2 and 3 claim to have invested money and further claim that the licence in fact belongs to the partnership firm.

The dispute raised before the learned Arbitrator is as to the nature and character of the partnership deed. It is contended that the partnership is at will.

The learned Arbitrator, after hearing the parties, on an application under Section 17 restrained the respondent nos.1 and 2 as well as the claimant from operating the partnership business of M/s. Golden F.L

ON Shop from the suit premises. They were further restrained to operate the bank accounts. Since the issue relating to the character of the partnership firm and the nature of the licence is to be adjudicated, we feel, for the ends of justice, the business may run on the conditions being laid down hereunder :

We appoint the advocate on record of the claimant as well as advocate on record of the respondent nos.1 and 2 in the arbitration proceeding as joint receivers over and in respect of the said business under whose supervision the said business shall be run till the matter is decided by the learned Arbitrator.

This order shall be co-terminus with the final order to be passed under Section 17 of the Arbitration and Conciliation Act, 1996. The Joint Receivers shall be entitled to disburse salaries and all statutory dues in the meantime and shall maintain a proper account which will be furnished before the learned Arbitrator at the time of hearing of the application under Section 17 of the Arbitration and Conciliation Act, 1996.

The impugned order is modified to the aforesaid extent.

The appeal being FMAT 383 of 2020 along with applications being I.A. No.1 and 2 of 2020 are disposed of.

(Aniruddha Roy, J.)

(Soumen Sen, J.)