

OD-8

IA No. GA/2/2020
AP No. 848 of 2019
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction

OHIO CARDIOLOGY ASSOCIATES PRIVATE LIMITED
VS.
SHALBY LIMITED

BEFORE:
THE HON'BLE JUSTICE ARIJIT BANERJEE
Date: February 3, 2021.

Appearance:
Mr. Sharanya Chatterjee, Adv.
Mr. Koustav Bagchi, Adv.
Mr. Nepesh Majhi, Adv.

Mr. Jishnu Chowdhury, Adv.
Mr. Anujit Mookherji, Adv.
Mr. Anirudhya Dutta, Adv.

The Court: This is a restoration application. The application under Section 34 of the Arbitration and Conciliation Act, 1996 was dismissed for default on March 12, 2020. This application was affirmed on December 15, 2020.

Mr. Chowdhury, learned advocate appearing for the respondent, in his usual fairness, does not oppose this application. However, he submits that if the period between the date of dismissal and the date of filing of the restoration application is taken into account, the application under Section 34 of the 1996 Act would be barred by limitation. He will be at liberty to argue this point at the hearing of the application under Section 34 of the 1996 Act.

Sufficient explanation has been given as to why the advocate for the petitioner could not be present when the Section 34 application was dismissed for default. The order dated March 12, 2020 is recalled. AP No.848 of 2019 is restored to its original file and number.

IA No. GA No.2 of 2020 is accordingly disposed of.

(ARIJIT BANERJEE, J.)

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