

03.03.2021
KC(2)

F.M.A.T. 64 of 2021
Bhaskar Nath
-versus-
Subrata Dey
With
CAN 1 of 2021

(Via Video Conference)

Mr. Kumar Jyoti Tiwari,
Mr. Prantick Ghosh,
Mr. A. Karmakar.....For the appellant.

Ms. Pallabi Chatterjee.....For the respondent.

We find no infirmity in the ex-parte ad-interim impugned order of the learned court below dated 24th December, 2020, except that to enable the court below to consider the application under Section 9 of the Arbitration and Conciliation Act, 1996 on the returnable date properly, the court should have called for a list of customers of the appellant.

Subsequent to the impugned order dated 24th December, 2020 a development has taken place. The South Dumdum Municipality by its communication dated 29th December, 2020 has confirmed that the respondent as a proprietorship organisation has obtained a certificate of enlistment.

Therefore, we direct that the appellant shall immediately furnish to the respondent a list of the customers of his business R.B. Cables as on 11th June, 2020 (the date of the licence). For the time being, the

respondent shall only be permitted to do business with customers other than those enlisted with the appellant, subject to verification of the list and further orders of the court below, which may vary this order.

The learned court below may be approached for preponing the returnable date of the application. All points are kept open.

The appeal (F.M.A.T. 64 of 2021) and the application (CAN 1 of 2021) are disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)