

13
07.04.2021.
mb

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 4897 of 2021

(Via Video Conference)

**Mahesh Edible Agro Oil
Industries Pvt. Ltd. & Ors.**

-vs.-

Union of India & Ors.

Mr. Rohit Sharma,
Ms. Pallavi Ray
...for the petitioners

Despite service, none appears for the respondents.

Affidavit-of-service filed in Court today be kept on record.

Learned counsel for the petitioners submits that despite a specific direction under Section 17 of the Arbitration and Conciliation Act, 1996 passed by the Arbitrator, respondent no. 2 herein, being the Registrar of Companies, is not acting upon such order. In his usual fairness, learned counsel submits that a challenge under Section 37 of the 1996 Act is subsisting at present against the order of the Arbitrator in the Delhi High Court.

However, learned counsel expresses apprehension that since the original office of the Registrar of

Companies is situated within the territorial jurisdiction of this court, there may be some legal impediments in passing of any direction by the Delhi High Court.

However, it appears from the nature of the grievances ventilated in the writ petition that it would not be prudent to pass a direction at this stage despite pendency of the challenge under Section 37 of the 1996 Act before the Delhi High Court. Since power is also conferred on the said High Court, while taking up matters under Section 37 of the 1996 Act as well as under Section 9 of the said Act, to grant the reliefs claimed here, the petitioners ought to approach the Delhi High Court for the said relief in connection with the pending challenge under Section 37 of the 1996 Act. Particularly, in view of the specific allegation of the petitioners that the persons who preferred the said challenge are hostile to the petitioners, it would be all the more necessary for the application to be filed before the forum where the challenge is at present pending.

Accordingly, W.P.A. No. 4897 of 2021 is disposed of by granting the petitioners liberty to seek the reliefs sought in the present writ petition before the Delhi High Court in connection with the pending application under Section 37 of the Arbitration and Conciliation Act, 1996 under Section 9 of the said Act.

Parties shall act on the communication of learned advocates and/or server copy of this order without

insisting upon prior production of certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)