

16.12.2021

Sl. 7

Ct.No. 37

Amalranjan

(Via Video Conference)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

(COMMERCIAL DIVISION)

FMAT 751 of 2021

**M/s. SD Infrastructure &
Real Estate Private Limited**

Vs.

**M/s. Denimatic (India) Private Limited
With**

CAN No. 1 of 2021

Mr. Ratnanko Banerjee, Sr. Adv.

Mr. R.K. Mitra

Mr. S. Sengupta

Mr. B. Sen

Mr. D. Choudhury

Mr. S. Chowdhury

Mr. S. Bhattacharya

...for the appellant/petitioner

Mr. Mainak Bose

Mr. Anurag Bagaria

...for the respondent

Re: CAN No. 1 of 2021(stay)

We admit the appeal. At the same time we propose to hear out the appeal dispensing with all formalities.

There was an agreement between the parties for sale of the subject property followed by a registered deed of conveyance executed on 28th August, 2015.

The claim of the appellant/petitioner as made out in the application under Section 9 of the Arbitration and Conciliation Act, 1996 was monetary.

Considering the rival arguments of learned counsel for the parties, we do not think that the learned judge in passing the impugned judgment and order dated 8th October, 2021 was in error, except that his finding that the claim of the appellant/petitioner was barred by the law of limitation is to be taken as a, *prima facie*, observation.

The appeal and the connected application are disposed of.

(Aniruddha Roy,J.)

(I. P. Mukerji,J.)