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**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**M.A.T. 42 of 2019
with
IA No.: C.A.N. 1 of 2019**

**Sumit Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy,
Ms. Suman Sehanabis (Mandal),
Ms. Arpita Saha

....For the Appellant

Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman

....For the State

Mr. Supriya Singh

...for N.H.A.I.

Affidavit-in-opposition filed on behalf of the respondent no. 5 in Court today be kept on record.

The present challenge has been preferred against an order dated November 05, 2019, whereby on the basis of a previous award dated May 30, 2017, the writ petition was disposed of, thereby finalizing the rights of the present appellant.

However, it is submitted that the present cause of action of the appellant arises from a subsequent notice and, as such, the appellant is entitled to approach the Arbitrator, for which an application has been filed before the

respondent-authorities in the appellant's independent capacity.

Accordingly, we find merit in such prayer.

M.A.T. 42 of 2019 along with C.A.N. 1 of 2019 are disposed of with a direction on the respondent-authorities to consider the application of the appellant for reference to arbitration independently of the award dated May 30, 2017, within eight weeks from date.

There shall 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 requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)