

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

**M.A.T. 43 of 2019
with
IA No.: C.A.N. 1 of 2019**

**Ma Maynamata Agro Products Pvt. Ltd.
Vs.
The State of West Bengal & Ors.**

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

Mr. Subir Kumar Saha,
Mr. Ankon Mitra
....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 passed in the year 2016, 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 his independent capacity.

Accordingly, we find merit in such prayer.

M.A.T. 43 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 passed in the year 2016, 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.)