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19.03.2021
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**M.A.T. 44 of 2019
with
IA No.: C.A.N. 1 of 2019**

**Shila Sharma & Ors.
Vs.
The State of West Bengal & Ors.**

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

Mr. Subir Kumar Saha,
Mr. Bikramaditya Ghosh
....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, the writ petition was disposed of, thereby finalizing the rights of the present appellants.

However, it is submitted that the present cause of action of the appellants arises from a subsequent notice and, as such, the appellants are entitled to approach the Arbitrator, for which an application has been filed before the respondent-authorities in the appellants' independent capacity.

Accordingly, we find merit in such prayer.

M.A.T. 44 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 appellants for reference to arbitration independently of the previous award, 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.)