

ORDER SHEET

AP/159/2021

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

M/S. RANGANATHA TRADERS BEING REP. BY K.R. ASHOK KUMAR (PROP)
VERSUS
SKG PULP AND PAPER MILLS PVT. LTD.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 23rd March, 2021.

(Via Video Conference)

Appearance:
Mr. Tilak Kumar Bose, Sr. Adv.
Mr. Anirban Ray, Adv.
Mr. P. Bag, Adv.
Mr. Anil Dhar, Adv.
Mr. Debabrata Das, Adv.

Mr. Rohit Banerjee, Adv.
Ms. Madhurima Halder, Adv.
Ms. D. Adhikari, Adv.

The Court: In this application under Section 9 of the Arbitration and Conciliation Act, 1996, the petitioner seeks interim protection.

The Court is informed that the Arbitral Tribunal now stands constituted.

Learned senior advocate appearing for the petitioner submits that there are subsisting interim orders passed by the Court in the Ordinary Original Civil Jurisdiction. On the respondent taking the point that the dispute involved is a

commercial dispute within the meaning of the Commercial Courts Act, 2015 the petitioner applied in the Commercial Division by this application. He submits that the subsisting interim orders should be continued for a period of at least thirty days for the petitioner to take appropriate steps before the newly constituted Arbitral Tribunal.

Learned advocate appearing for the respondent submits that the respondent received the notice under Section 21 of the Arbitration and Conciliation Act, 1996 long time back. The petitioner, therefore, should not be afforded such time to approach the Arbitral Tribunal particularly in view of the fact that the petitioner has an efficacious remedy available under Section 17 of the Act of 1996.

The petitioner initially approached the Court under Section 9 of the Act of 1996 in the Ordinary Original Civil Jurisdiction of the Court when, orders dated October 19, 2020, November 20, 2020 and December 10, 2020 were passed. A Special Officer was appointed.

Report submitted on behalf of the Special Officer in Court be taken on record.

Since the Arbitral Tribunal stands constituted, it would be appropriate to direct the parties to avail of their remedies before the Arbitral Tribunal. However, since the interim orders are subsisting over a period of time from October 19, 2020, it would be appropriate that such interim orders continue for a period of fortnight from date.

It is clarified that none of the observations made in the interim orders passed by the Court or in the present order will prejudice any of the parties before the Arbitral Tribunal in any manner whatsoever. The Arbitral Tribunal

will decide the application of the parties being uninfluenced by any observation made by the Court in any of the three orders passed earlier or this order.

Since the Court did not invite the parties to file affidavits in AP/159/2021, allegations made in such application are deemed to be denied.

AP/159/2021 is disposed of accordingly.

(DEBANGSU BASAK, J.)