

ORDER SHEET

AP/395/2020

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

SHRACHI DEVELOPERS PRIVATE LIMITED
VERSUS
BIDYUTLATA MAHAPATRA AND ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 19th February, 2021.

(Via Video Conference)

Appearance:
Mr. Samrat Sen, Sr. Adv.
Mr. Paritosh Sinha, Adv.
Mr. Saubhik Chowdhury, Adv.
Mr. Dripto Majumdar, Adv.
Ms. A. Sinha, Adv.
...for the petitioner

Mr. N. Srinivas, Adv.
Mr. M.K. Singh, Adv.
...for the respondent nos.1, 2 and 3

The Court: In this application under Section 9 of the Arbitration and Conciliation Act, 1996, the award-holder seeks protection post the passing of the award.

Learned senior advocate appearing for the petitioner submits that, the disputes between the parties were referred to arbitration. The disputes emanate out of a Deed of Partnership. The Arbitral Tribunal held that, the partnership is not at will and that it is with regard to a project. The arbitral award held that the partnership will continue till the completion of the housing project involved. He submits that, a Receiver was

appointed by the Arbitral Tribunal under Section 17 of the Act of 1996. According to the petitioner, such Receiver is still continuing. The petitioner invited the Receiver so appointed to make an inventory and to take further steps. In the event, the respondents cooperate with the Receiver so appointed, then most of the grievances that the petitioner canvasses in this petition, will be taken care of.

Learned advocate appearing for the respondents, without prejudice to his contention with regard to the jurisdiction, submits that, the respondents are ready and willing to cooperate with the Receiver. He submits that, the work of the Receiver should be limited to the properties described in Schedule – A of the Deed of Partnership. It is contended on behalf of the respondents that an application under Section 34 of the Act of 1996 challenging the arbitral award is pending.

Learned senior advocate appearing for the petitioner submits that his client is yet to be served with the copy of such application.

Learned senior advocate appearing for the petitioner submits that, the petitioner is seeking protection with regard to the Schedule – A properties as described in the Deed of Partnership.

In such circumstances, since the respondents are ready and willing to cooperate with the Receiver with regard to the properties described in Schedule – A of the Deed of Partnership, no interference by the Court is called for at this stage.

AP/395/2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)