

ODC- 8,9,12 & 13

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

AP/428/2021
DINESH KUMAR DUBEY AND ORS.
Versus
MADHUKAR NAVNEET AND ANR.

AP/429/2021
DINESH KUMAR DUBEY AND ORS.
Versus
MADHUKAR NAVNEET AND ANR.

AP/471/2021
MADHUKAR NAVNEET AND ANR.
Versus
DINESH KUMAR DUBEY AND ORS.

AP/472/2021
MADHUKAR NAVNEET AND ANR.
Versus
DINESH KUMAR DUBEY AND ORS.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 9th December, 2021

Appearance:
Mr. Debnath Ghosh, Adv.
Mr. Avijit Dey, Adv.
Ms. Adreeka Pandey, Adv.
...for the petitioners in AP/428/2021 & AP/429/2021
and for the respondents in AP/471/2021 & AP/472/2021

Mr. Krishnaraj Thaker, Adv.
Mr. Suddhasatva Banerjee, Adv.
Mr. Chayan Gupta, Adv.
Mr. K. N. Jana, Adv.
...for the respondents in AP/428/2021 & AP/429/2021
and for the petitioners in AP/471/2021 & AP/472/2021

The Court:- The aforesaid applications have been filed under Section 9 of the Arbitration and Conciliation Act, 1996. The disputes between the parties pertain to partnership firms between the members of one Dubey family. The parties have agreed to dissolve all three firms. The date of dissolution of all three firms is 9th November, 2021. None of the parties will use the assets and properties including the trademark “Gangotri” of any of the three partnership firms i.e., Jaya Products, Navnaveen Packaging Industries and Atiksh Agro Oil Industries till the final award or an appropriate order is passed by the Arbitral Tribunal. The parties also agree to carry on separate businesses of oil and/or spices without using the assets and properties (including the trademark “Gangotri”) of any of the aforesaid three partnership firms.

By consent of the parties, Mr. Tilok Bose, Senior Advocate is appointed as Sole Arbitrator to resolve the disputes and difference by and between the parties in respect of the aforesaid three partnership firms. The Arbitrator is at liberty to fix his remuneration.

With the aforesaid directions, AP/428/2021, AP/429/2021, AP/471/2021 and AP/472/2021 and all connected interlocutory applications stand disposed of.

The parties are also restrained from dealing with or alienating or creating any third party interests in respect of any of the assets or properties of the aforesaid three firms.

Mr. Arijit Dey and Mr. K. N. Jana being the Advocate-on-Record of the respective parties are appointed as Joint Special Officers for the limited purpose of taking an inventory of the assets and properties including the stocks of the

aforesaid partnership firms. The Joint Special Officers are directed to prepare an inventory forthwith. The Joint Special Officers are directed to file their Report before the Learned Arbitrator after supplying copies thereof to both the parties.

The parties are at liberty to approach the Arbitral Tribunal for appropriate interim reliefs.

(RAVI KRISHAN KAPUR, J.)

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