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AP 773 of 2018
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

NAWAZ TRADERS
VERSUS
UNION OF INDIA (S.E. RAILWAY)

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date : 10th March, 2021.

APPEARANCE:
Mr. Pradip Mukherjee,Adv.
Mr. Sumalya Chakraborty,Adv.

Mr. Arun Kr. Mishra,Adv.

The Court :- The petitioner seeks a reference of the disputes arising out of agreement no. 09/KGP of 1998-99 by way of the present application under Section 11 (6) of the Arbitration and Conciliation Act, 1996.

Learned Advocate appearing for the respondents submits that the claim of the petitioner is hopelessly barred by limitation. He relies upon an order dated February 1, 2019 passed in AP No. 712 of 2018 [Nawaz Traders vs. Union of India (S.E. Railway)] and submits that a claim of the same petitioner was dismissed in such petition on the ground of limitation.

In the facts of the present case, it appears that, the petitioner was entrusted with a contract bearing agreement no. 09/KGP of 1998-99. The statement in the notice under Section 21 of the Act of 1996 dated August 7,

2018 is that, the petitioner completed the work within the stipulated period being March 30, 1999. The petitioner thereafter served a notice dated January 28, 2018 for reference to arbitration. In the notice under Section 21 of the Act of 1996 dated August 7, 2018, the claims tabulated relate to the final bill dated March 30, 1999, non-release as security deposit from March 20, 1999 as well as business loss from March 30, 1999.

Learned Advocate appearing for the petitioner relies upon a letter dated January 20, 2018 annexed in the supplementary affidavit to claim that the respondent agreed to arbitration.

In the facts of the present of case, it appears that, the claim of the petitioner is hopelessly barred by limitation. The claims are in respect of a contract of 1998-99. The work in respect thereof was completed in March 20, 1999. The letter dated January 20, 2018 of the respondents speaks of various particulars to be made available to the author of the will so as to decide on the arbitrability of the disputes.

The claim being barred by limitation, the letter dated January 20, 2018 is of no assistance to the petitioner. In such circumstances, I am not minded to entertain this application.

AP No. 773 of 2018 is dismissed without any order as to costs.

(DEBANGSU BASAK, J.)