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C.O. 302 of 2022
With
C.O. 542 of 2022

Shri Jagadish Patra
Vs
Tapas Kumar Bhunia

Mr. A. K. Gayen,
Mr. A. A. Gayen, ... For the petitioner.

Mr. Tapash Dutta , ... For the opposite party.
Ms. Nabarita Dutta,

The subject matter of challenge in both the revisional applications, referred above, is against the decisions passed by learned Judge, Commercial Court at Alipore, in connection with interlocutory applications, filed by the petitioner/award debtor in Money Execution No.02 of 2020.

A serious urgency is focused in this case, as sale is going to be held in the 2nd week of April, 2022, and in the event of sale being conducted, it is disclosed by the petitioner that the reliefs sought to be obtained, may be ultimately frustrated.

Mr. Tapash Dutta, learned advocate appearing for the opposite party in both the revisional applications, referred hereinabove, at the very threshold of this case, draws attention of the Court to Section 8 of Commercial Courts Act, 2015, whereby

an appellate remedy is provided against the decision passed in connection with interlocutory applications of Commercial Court.

That being the position, this court should not exercise its jurisdiction under Article 227 of the Constitution of India, when there is conspicuous appellate provisions available in Commercial Courts Act, 2015.

The matter as such stands dismissed as withdrawn, with liberty to file appeal before the Appellate Forum, in accordance with provisions of law, for the desired relief, subject to the fulfillment of the provisions of law.

Since an urgency is focused by the learned Advocate for the petitioner/award debtor, this Court reposes trust and confidence upon the Appellate Forum that within the best possible opportunity, the Appellate Forum would try to address the points to be raised by the petitioner in terms of the points raised in this revisional applications, and dispose of the same adhering to the provisions of law, providing sufficient opportunity of hearing to either of the parties to the cases.

Both the revisional applications are disposed of.

The certified copy, filed by the petitioner in both these revisional applications, may be returned forthwith, retaining the xerox copies, in order to

enable the petitioner to prefer appeal.

(Subhasis Dasgupta, J)